

1st April 1940

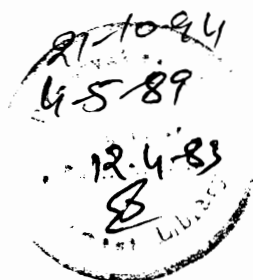
# THE LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume III, 1940

*(27th March to 6th April, 1940)*

## ELEVENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1940



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# Legislative Assembly.

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SIR ABDUL HALIM GHUZHNAVI, M.L.A.

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# LEGISLATIVE ASSEMBLY.

*Monday, 1st April, 1940.*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

## MEMBER SWORN.

Mr. Arthur deCoetlogan Williams, C.I.E., M.L.A. (Government of India: Nominated Official).

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

†569\*—579.\*

#### SAILINGS OF HAJ PILGRIMS SHIPS.

‡580. \*Maulana Zafar Ali Khan: (a) Will the Secretary for Education, Health and Lands please refer to the Press Communiqué, dated the 9th November, 1939, in which it was stated that there will be pilgrim sailings from Bombay and Karachi up to 4th January, 1940, and state when the last pilgrim ship sailed from Bombay?

(b) Is it a fact that the last pilgrim ship sailed from Bombay two days before this date and, if so, are Government aware that, as a result of this, some intending pilgrims missed their Haj?

(c) Are Government aware that some intending pilgrims from Baroda and other places were informed by the Mogul Line on 3rd January that the last pilgrim ship had sailed on the 2nd January? If Government are not aware, do they propose to make inquiries?

(d) Is it a fact that these pilgrims have now sent in their formal complaints to the Bombay Port Haj Committee?

Sir Girja Shankar Bajpai: (a) and (b). The Press Communiqué stated that arrangements had been made for the sailings of pilgrim ships from Bombay and Karachi between the 29th November, 1939, and the 4th January, 1940. The last pilgrim ship sailed from Bombay on the 2nd January and from Karachi on the 5th January, 1940. Government are not aware that any intending pilgrims who had the necessary funds missed the Haj as a result of the wording of the communiqué.

† For these questions and answers, see pages 1995—2002 of these debates

‡ Answer to this question laid on the table, the questioner being absent.

(c) Government are informed that the shipping company received on the 3rd January a telegram from Baroda enquiring the date of sailing of the last steamer and whether nine tickets were available and a similar telegram from Surat asking for nine tickets. The Company replied that the last ship had sailed from Bombay. Even if a ship had been sailing on the 4th January these persons would not have had time to reach Bombay and complete the necessary formalities before the sailing of the ship.

(d) Yes.

#### LAST HAJ PILGRIM SHIP.

†581. \***Maulana Zafar Ali Khan**: Will the Secretary for Education, Health and Lands please state if Messrs. Turner Morrison and Company, advertised anywhere that "Rizwani" of the 2nd January would be the last pilgrim ship from Bombay? If so, in which paper?

**Sir Girja Shankar Bajpai**: The answer is in the negative.

#### HAJ PILGRIMS CARRIED IN "RIZWANI".

†582. \***Khan Bahadur Shaikh Fazl-i-Haq Piracha**: (a) With reference to the answer given to part (c) of my question No. 236 on the 28th February, 1940, will the Education Secretary please state the extra amount that the Mogul Line earned from passage money as a result of the 153 extra pilgrims that they carried in their last pilgrim ship "Rizwani"?

(b) Are Government aware that this extra amount was earned by the Company at the cost of the pilgrims, i.e., by carrying 153 deck pilgrims more than the steamer's maximum carrying capacity, the pilgrims who had paid Rs. 167 per ticket for their passage, were given less space than what they were entitled to under the law and thus put to discomfort?

(c) If the answer to part (b) be in the affirmative, what do Government propose doing in the matter?

**Sir Girja Shankar Bajpai**: (a) At a passage rate of Rs. 167 the receipts from 153 pilgrims would amount to Rs. 25,551: but the number of excess pilgrims carried was 141 only and not all the passage money charged is retained by the company.

(b) Yes, it is understood that twelve of the excess pilgrims were accommodated in vacant first class cabins and the remainder travelled as deck pilgrims. Government recognise that these and other deck pilgrims may have suffered a certain amount of inconvenience.

(c) Government do not propose to take any action.

#### PURCHASE OF TYPEWRITERS BY GOVERNMENT.

†583. \***Bhai Parma Nand**: (a) Will the Honourable Member for Commerce be pleased to state if it is a fact that in reply to starred question

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†Answer to this question laid on the table the questioner being absent.

No. 585, on the 21st February, 1939, the Honourable Member stated that certain matters with regard to purchase of typewriters were under consideration?

(b) Has any decision been arrived at in that connection and if so, when will steps be taken to give effect to it?

(c) Is it a fact that the Controller of Stationery is still purchasing only Remington typewriters for the Government of India?

(d) Is it a fact that even if Government offices requisition for other makes of typewriters, only Remington typewriters are supplied?

(e) How many Underwood and Royal typewriters were purchased by the Government of India in the year 1939?

(f) In which year did Government grant preference to Remington typewriters?

(g) How many Remington typewriters have been purchased against typewriters of other makes since the grant of preference?

(h) What has been the investment in India in special machines for the assembling or manufacture of Remington typewriters, or parts each year up to date since the grant of preference?

(i) What amount has been spent in India in the purchase of raw materials each year up to date since the grant of preference to Remington typewriters?

(j) What amount has been paid each year up to date to Indian workmen engaged in the assembling or manufacture of Remington typewriters or parts?

(k) If Government have not given a monopoly to Remington typewriters, are Government prepared to give instructions for the purchase of a certain minimum number of other makes of typewriters on the approved list?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** (a) and (b). Yes. The decision arrived at is that no change should be made in the existing arrangements.

(c) Yes.

(d) Yes, so far as the Central Government are concerned, unless special reasons are adduced to justify the supply of another make.

(e) Nil.

(f) 1931.

(g) 9,400 Remingtons against 827 typewriters of other makes.

(h), (i) and (j). A statement is laid on the table.

(k) Government see no reason to alter their policy which is designed to encourage the development of the typewriter industry in India.

*Statement showing the (i) investment in India in special machines, (ii) amount spent in India in the purchase of raw materials, and (iii) amount paid to workmen by the Remington Typewriter Factory at Calcutta each year since 1931.*

Year.	Investment in special machines.	Purchase of raw materials.	Payment to workmen.
	Rs.	Rs.	Rs.
1931	1,925	11,160	99,069
1932		6,825	73,434
1933	1,440	11,404	87,318
1934	6,844	18,120	1,22,059
1935	16,457	48,841	1,68,834
1936	28,247	75,502	1,73,325
1937	32,807	1,06,418	2,09,770
1938	8,366	1,12,694	2,02,077
1939	25,000 (approximate)	99,280	1,87,022
Total	1,21,086	4,90,244	13,22,908

The above machinery and equipment necessitated the erection of a factory at Calcutta specially adapted for the purpose at a cost of Rs. 2,18,780.

#### PERMISSION FOR STORAGE OF LUGGAGE, ETC., IN QUARTERS IN NEW DELHI.

†584. \***Bhai Parma Nand:** Will the Honourable the Labour Member please state:

- whether it is a fact that permission has been given in the past to Government servants, who proceeded to Simla on duty with the Government of India, to store their luggage, furniture, etc., in one of the rooms (servant, store or outhouse) of the quarters allotted to them in New Delhi;
- whether this permission was granted because otherwise the staff who were required to move to a Camp Office, would have been put to very great trouble and inconvenience;
- whether these very quarters, except the one room locked by the permanent allottee, used to be allotted temporarily to other Government servants employed in local offices;
- whether similar storage permission has been refused by the Estate Officer this year on the ground that extensive repairs have to be carried out in quarters;

†Answer to this question laid on the table. the questioner being absent.

- (e) whether the extensive repairs in question are mainly to be done in 'D' class orthodox quarters and their occupants are to be allotted higher type of orthodox quarters; if not, to which other class of quarters the repairs are to be done and what are those repairs;
- (f) whether, following the previous practice, the higher type of quarters except one room cannot be allotted to occupants of 'D' orthodox quarters for the short period of one month or so when repairs are being carried out in their quarters; if not, what difficulty is anticipated; and
- (g) whether Government are aware that in the absence of storage permission, Government servants who move up to Simla for the short period of four months will be put to very great hardship, as most of them have brought down the bulk of their personal effects?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** (a) Yes, provided the quarters were not required for allotment to other Government servants during the summer season.

(b) The concession was allowed for the convenience of the staff.

(c) Only in cases where the summer occupants did not object to the arrangement.

(d) Yes, and also because the demand for quarters this summer is abnormally heavy.

(e) The reply to the first part is in the affirmative. The latter part does not arise.

(f) Government cannot compel their tenants to agree to an arrangement of this kind.

(g) Some inconvenience may be caused. While Government can accept no responsibility for the provision of storage accommodation, they will endeavour to provide such facilities for storage as may be practicable.

#### HAJ PILGRIMS CARRIED IN "RIZWANI".

†585. \***Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Will the Education Secretary kindly refer to the answers given by him to starred question No. 236, parts (c) and (d), on 28th February, 1940, in which he said:— (i) that S.S. "Rizwani" on 5th January, 1940, carried 153 deck passengers from Karachi in excess of the number allowed by her certificate; (ii) that Government was requested that excess upto ten per cent. of the ship's normal capacity should be allowed to be taken in that steamer; and (iii) "Actually the number allowed was below this figure", i.e., below the 153 extra pilgrims carried, and to the answer given by him to starred question No. 432 of 18th March, 1940, when he said that "Rizwani" did not carry pilgrims over and above the ten per cent. allowed by Government, and state which of the two statements is correct?

(b) Is it not a fact that Government allowed carriage of excess pilgrims upto ten per cent. of the ship's normal carrying capacity, which comes to 141 extra pilgrims counting on "Rizwani's" deck carrying capacity, which is 1,412, whereas the ship actually carried 153 extra deck pilgrims?

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†Answer to this question laid on the table, the questioner being absent.

(c) If the reply to part (b) be in the affirmative, will the Honourable Member please state what action Government have taken, or propose to take, against this company for carrying pilgrims in excess of even the ten per cent. extra carriage allowed by Government?

**Sir Girja Shankar Bajpai:** (a) and (b). The two statements are not contradictory. The position is that the total carrying capacity of the S.S. "Rizwani" is 1,446 passengers—34 first class and 1,412 deck—but she actually carried only 22 first class and, with the permission of Government, 1,565 deck pilgrims, making a total of 1,587. Twelve of the deck pilgrims were, however, accommodated in the vacant first class cabins without any additional charge. In the circumstances the ship carried only 141 pilgrims in excess, which is less than ten per cent. of her total carrying capacity.

(c) Does not arise.

#### HAJ PILGRIMS CARRIED IN "RIZWANI".

**+586. \*Khan Bahadur Shaikh Fazl-i-Haq Piracha:** Will the Education Secretary kindly state the section of the Indian Merchant Shipping Act or the Rule of the Indian Pilgrim Ship Rules under which Government allowed the "Rizwani" to carry pilgrims in excess of her certified carrying capacity?

**Sir Girja Shankar Bajpai:** The permission was not granted under the Indian Merchant Shipping Act or the Pilgrim Ship Rules.

#### RENT OF TABLE FANS SUPPLIED IN QUARTERS IN NEW DELHI.

**+587. \*Bhai Parma Nand:** Will the Honourable the Labour Member kindly state:

- (a) if it is a fact that the hire charge for table fans supplied for tenants in Government quarters has hitherto been six annas per month, but it is now being enhanced to eight annas per month;
- (b) the circumstances why this enhancement in hire charge is being made; and
- (c) what the cost of each fan used to be before, and at what price Government are purchasing now?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** (a) and (b). An increase of the hire charges is under consideration, as the present rates have caused a loss to Government.

(c) Up to a few years ago the price ranged from Rs. 50 to Rs. 53 per fan. It then fell to about Rs. 37. Owing to the war it has now risen to Rs. 42 to Rs. 47-12.

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†Answer to this question laid on the table, the questioner being absent.

## REDUCTION OF WATER CHARGES IN NEW DELHI.

†588. \*Bhai Parma Nand: Will the Secretary for Education, Health and Lands kindly state:

- (a) what the Delhi and New Delhi Municipalities charge for filtered water supply per 1,000 gallons;
- (b) if it is a fact that the charge in the city is five annas and in New Delhi eight annas per 1,000 gallons; and
- (c) whether he is prepared to take steps to have the New Delhi rates brought down to the level of city rates; if not, why not?

Sir Girja Shankar Bajpai: With your permission, Sir, I shall answer questions Nos. 588 and 589 together. I have asked for certain information and will furnish replies in due course.

## REDUCTION OF ELECTRICITY CHARGES IN NEW DELHI.

†589. \*Bhai Parma Nand: Will the Honourable the Labour Member kindly state:

- (a) what the charges are in Delhi and New Delhi for consumption of electricity for light and fans;
- (b) if it is a fact that it is about three annas per unit in the city and four annas per unit in New Delhi;
- (c) the reasons why there is so much difference in the charges in Delhi and New Delhi; and
- (d) whether he is prepared to have the charges in New Delhi brought down to the level of Delhi; if not, why not?

## ALLOCATION OF QUOTA OF PILGRIM TRAFFIC TO SHIPPING COMPANIES.

†590. \*Maulana Zafar Ali Khan: (a) Will the Education Secretary please state if Government have seen the resolutions passed by the Bombay and Karachi Port Haj Committees expressing their opinion that the allocation of the pilgrim traffic, as done by Government during this Haj season, was not in the interest of pilgrims, and entering their protests against this decision of the Government of India?

(b) If so, in view of these opinions, do Government propose to reconsider the whole position next Haj season, keeping in view their duty of helping to further the cause of Indian shipping?

Sir Girja Shankar Bajpai: (a) The Bombay Port Haj Committee recommended that Government should make no allocation. Government have not received any resolution on this subject from the Karachi Committee.

(b) The attention of the Honourable Member is invited to the reply given by me to part (e) of Sir Abdul Halim Ghuznavi's starred question No. 426 on the 18th March, 1940.

†Answer to this question laid on the table, the questioner being absent.

‡For answer to this question, see answer to question No. 588.

# CALLING OF A CONFERENCE TO DISCUSS AND DECIDE VARIOUS PROBLEMS OF HAJ TRAFFIC.

591. \***Maulana Zafar Ali Khan:** (a) Will the Education Secretary please state if any suggestions have been received from any of the Port Haj Committees to the effect that a conference of the Government of India, the shipping companies concerned and the representatives of the Port Haj Committees, be convened to discuss and decide the various problems of the Haj traffic, including the question of fixation of stable, uniform and economic rates?

(b) If the answer to part (a) be in the affirmative, will he please state when such a suggestion was first received?

(c) Do Government propose to call such a conference at an early date? If so, when?

(d) If such a conference be called, do Government propose also to consider the advisability of inviting the representatives of such Muslim associations recognised for their services to the pilgrims?

**Sir Girja Shankar Bajpai:** (a) Yes.

(b) On the 2nd September, 1938.

(c) and (d). The matter is under consideration.

## STOPPAGE OF BOOKINGS OF HAJ PILGRIMS BY "KHOSRU" AND "ISLAMI".

592. \***Mr. H. M. Abdullah:** Will the Education Secretary please state if it is a fact that on the occasion of the sailings of pilgrims ships "Khosru" and "Islami" from Bombay on 18th and 28th December, 1939, respectively, bookings were actually stopped two or three days prior to the sailing dates and tickets were refused to the pilgrims on the ground that the space left was either previously reserved by pilgrims arriving late in Bombay, or reserved for Karachi pilgrims, and that over 300 pilgrims were left back in Bombay on each of the above occasions?

**Sir Girja Shankar Bajpai:** Bookings for the "Khosru" were made up to the 18th December and for the "Islami" up to the 27th December. It is a fact that some pilgrims were unable to obtain tickets by these boats owing to previous reservations at Bombay and Karachi.

As regards the last part of the question, I would refer the Honourable Member to the reply given by me to part (c) of Sir Abdul Halim Ghuznavi's starred question No. 416 on the 18th March, 1940.

## CONCESSION TICKETS ISSUED TO INDIGENT HAJ PILGRIMS IN BOMBAY.

593. \***Mr. H. M. Abdullah:** (a) Will the Education Secretary kindly state if any concessional tickets were issued to indigent pilgrims in Bombay during the last outward Haj season?

(b) If so, to how many?

(c) How many indigent pilgrims were actually left behind in Bombay after the sailing of the last pilgrim ship, who could not proceed for Haj?

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†Answer to this question laid on the table. the questioner being absent.



(d) Is it a fact that the 650 pilgrims who were left behind in Bombay to wait for the next sailing after the sailings of 18th and 28th December, 1939, as stated by the Education Secretary in reply to starred question No. 416 (c) of 18th March, 1940, were left over for want of accommodation?

**Sir Girja Shankar Bajpai:** (a) Yes.

(b) Ten.

(c) The number of indigent pilgrims in *Mussafir Khanas* in Bombay was 130 after the last ship had sailed.

(d) No information is available as to the number of pilgrims who were left behind for want of accommodation on the dates stated by the Honourable Member, i.e., the 18th and 28th December.

#### NON-PROVISION OF ADDITIONAL SHIPS FOR HAJ PILGRIMS.

**594. \*Mr. H. M. Abdullah:** (a) With reference to his reply to starred question No. 410 of 18th March, 1940, that "Government agreed that no additional ship need be berthed", will the Education Secretary kindly lay on the table the communication which Government might have received from the shipping company, apprising Government of the situation and asking them to agree that no additional ship need be berthed, and/or any communication that Government may have sent to the shipping company, or any authority in this connection, with the respective dates of such communications?

(b) If there were no communications exchanged on this subject between the Government and the shipping company, or any other authority, will the Honourable Member kindly state how Government were apprised of the situation so that they "agreed that no additional ship need be berthed"?

**Sir Girja Shankar Bajpai:** (a) and (b). As much of the discussion was carried out by telephone the picture presented by the few written communications would be incomplete. Government do not propose, therefore, to comply with the Honourable Member's request. But for the information of the House I can recapitulate the facts briefly. On the 2nd of January, the shipping company informed Government that it was expected that the S.S. "Rizwani" would be able to accommodate all the pilgrims likely to arrive at ports before the vessel was due to sail and that even in the event of an unexpected rush, the excess was likely to be very small. They considered that, in the circumstances, the berthing of an additional ship would be an uneconomical use of tonnage. On the 3rd of January, Government informed the Company that an additional ship need not be berthed.

#### SAILING OF PILGRIM SHIP "JEHANGIR".

**595. \*Mr. H. M. Abdullah:** Will the Education Secretary kindly state if it is a fact that the S.S. "Jehangir" actually sailed with cargo for Red Sea Ports from Karachi two or three days after the sailing of "Rizwani" on 5th January, 1940? If so, will he please state the dates of her arrival at and sailing from Karachi?

**Sir Girja Shankar Bajpai:** The S.S. "Jehangir" arrived at Karachi on the 9th January, and left for Aden on the following day.

#### HAJ PILGRIMS CARRIED IN "RIZWANI".

**596. \*Mr. H. M. Abdullah:** Will the Education Secretary kindly state the date on which Government received the request to allow the "Rizwani" to carry pilgrims in excess up to ten per cent. of the ship's normal carrying capacity?

**Sir Girja Shankar Bajpai:** 4th January, 1940.

#### CONSTRUCTION OF A BLOCK OF KITCHENS IN "B" TYPE UNORTHODOX QUARTERS IN NEW DELHI.

**†597. \*Pandit Krishna Kant Malaviya:** With reference to the reply to starred question No. 68 of the 12th February, 1940, will the Honourable the Labour Member be pleased to state when the work in connection with the construction of a block of two kitchens just behind the 'B' class unorthodox clerks' quarters in New Delhi is likely to be completed?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** By the middle of July next.

#### APPLICANTS FOR CERTAIN TYPES OF QUARTERS FROM THE POLITICAL AND DEFENCE DEPARTMENTS.

**†598. \*Pandit Krishna Kant Malaviya:** Will the Honourable the Labour Member please state the number of ministerial establishment belonging to the Political and the Defence Departments, respectively, who applied for 'C', 'D' and 'E' type of quarters of orthodox and unorthodox kind, respectively, in December last, and what number of each type has been allotted in each of these offices?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** The information is not readily available and its collection would not justify the labour involved. I may add that houses are allotted on an individual basis and not on a *pro rata* basis to Departments.

#### ALLOTMENT OF QUARTERS IN NEW DELHI.

**†599. \*Pandit Krishna Kant Malaviya:** Is the Honourable the Labour Member aware that the staff of each of the different Departments of the Government of India has got the allotment of quarters in their respective offices much less than even the 80 per cent. as stated in the reply given by him to a supplementary question to starred question No. 164 of the 24th February, 1940?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** The figure of 80 per cent. is the ultimate aim of Government. It has not yet been attained. Allotments of houses are made on an individual basis and not on a *pro rata* basis to Departments.

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†Answer to this question laid on the table, the questioner being absent.

**DUMPING OF CARCASSES OF ANIMALS NEAR KAROL BAGH, DELHI.**

†600. \*Pandit Krishna Kant Malaviya: (a) With reference to the reply to part (b) of starred question No. 256 of the 20th September, 1939, is the Education Secretary aware that the dumping ground for the carcasses of animals from the city is about two to three furlongs from the nearest extremity of Karol Bagh, Delhi, and not one mile?

(b) Is he aware that the area being developed in Karol Bagh is now hardly a furlong from the present dumping ground for the carcasses of the animals?

(c) Is he further aware that the area is becoming a breeding ground for germs?

(d) Is he prepared to see that the dumping of carcasses is no longer made there, and that they are thrown beyond the river instead? If not, why not?

**Sir Girja Shankar Bajpai:** I have asked for certain information and shall furnish replies to the House in due course.

**RECRUITMENT OF SIKHS AS INFERIOR SERVANTS IN THE OFFICES OF THE MILITARY SECRETARY AND PRIVATE SECRETARY TO HIS EXCELLENCY THE VICEEROY.**

601. \*Sardar Sant Singh: (a) Will the Honourable the Leader of the House be pleased to state the total number of Sikhs employed as jamadars, dufftries and peons in each of the offices of the Private Secretary to His Excellency the Viceroy and the Military Secretary to His Excellency the Viceroy?

(b) How many temporary and permanent appointments were made in each of the said offices in each categories since 1st January, 1939, and was any Sikh recruited in any capacity? If not, why not?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Nil.

(b) Since 1st January, 1939, one temporary dufftry and one temporary and two permanent peons were appointed in the Office of the Private Secretary to His Excellency the Viceroy; two permanent peons were appointed in the Office of the Military Secretary to His Excellency the Viceroy. No Sikh was appointed as no suitable Sikh candidate was forthcoming at the time of recruitment.

**RECRUITMENT OF SIKHS IN THE SUPPLY DEPARTMENT.**

602. \*Sardar Sant Singh: (a) Is the Honourable the Leader of the House aware that no Sikh has so far been appointed either as a Superintendent or in any of the gazetted posts of the Department of Supply?

(b) Is he also aware that there is no Sikh stenographer in that office and that there is only one Sikh in the Third Division?

(c) Is he prepared to see while making future appointments that the claims of the Sikh community are given due consideration for affording due representation? If not, why not?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) and (b). Yes, but I may inform the Honourable Member that out of the total strength of 87 of the ministerial staff, three posts of Assistants (including one of Assistant-in-Charge) are held by members of the Sikh community. The Honourable Member will recognise, therefore, that the representation of his community in the higher ministerial grades is far beyond what it would be entitled to on any strictly proportional basis.

Appointments of officers are made by selection and are outside the scope of communal rules.

(c) Does not arise.

#### APPLICATIONS FOR CERTAIN TYPES OF QUARTERS FROM THE FINANCE AND EDUCATION, HEALTH AND LANDS DEPARTMENTS.

**603. \*Sardar Sant Singh:** Will the Honourable the Labour Member please state the number of applicants separately for the orthodox and unorthodox kind of 'C', 'D' and 'E' type of quarters in New Delhi received by the Estate Officer from the Finance and the Education, Health and Lands Departments, respectively, in last December and how many quarters of each type have been allotted in each of those offices?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** The Honourable Member is referred to my reply to starred question No. 598 asking for similar information.

#### RECRUITMENT OF A SIKH AS AN ELECTRICAL ENGINEER IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

**604. \*Sardar Sant Singh:** (a) Will the Honourable the Labour Member please state whether it is a fact that no Sikh has ever been appointed as an Electrical Engineer, or Assistant Electrical Engineer, in the Central Public Works Department? If not, why not?

(b) Is he prepared to consider the desirability of appointing a Sikh in one of the vacancies that may be filled hereafter? If not, why not?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** (a) Yes. No fresh appointment has been made to the post of Electrical Engineer since 1924. Two temporary posts of Assistant Electrical Engineer were filled, one in 1937 and the other in 1938, and in both cases candidates were selected through the Federal Public Service Commission.

(b) I regret that I can give no such undertaking. For purposes of communal representation the posts are grouped with other posts in the superior cadre of the Central Engineering Service.

#### BUILDING INSPECTOR OF THE DELHI IMPROVEMENT TRUST.

**605. \*Sardar Sant Singh:** (a) Will the Education Secretary please state when the present Building Inspector of the Delhi Improvement Trust was appointed? What are his qualifications and pay?

(b) How many of his subordinates have resigned since he took over his present job, and to which community did each belong?

**Sir Girja Shankar Bajpai:** I have asked for certain information and shall furnish replies to the House as soon as possible.

**Mr. Lalchand Navalrai:** Does the Honourable Member know at least this much that certain subordinates have resigned?

**Sir Girja Shankar Bajpai:** No, Sir, I do not know that.

#### RECRUITMENT OF A SIKH AS CARETAKER IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

†606. **\*Sardar Sant Singh:** (a) With reference to the reply to part (f) of starred question No. 67, dated the 12th February, 1940, will the Honourable the Labour Member please state when a vacancy in the cadre of the caretakers of the Central Public Works Department is likely to occur either by the creation of new appointments, or by retirement?

(b) Is he prepared to reserve at least the next vacancy for a member of the Sikh community? If not, why not?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** (a) The next vacancy in the post of caretaker is likely to occur in December, 1940.

(b) No. This would not be in accordance with the orders regarding communal representation.

#### SHORT NOTICE QUESTION AND ANSWER.

##### COMMERCIAL RELATIONS BETWEEN INDIA AND JAPAN.

**Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable the Commerce Member be pleased to state when the present convention regarding commercial relations between India and Japan will terminate?

(b) When did the discussion on the Indo-Japanese Trade Negotiations start?

(c) At what stage are the negotiations at present? When are they likely to end?

(d) Will Government lay before this House in the present Session of the Assembly a new Bill embodying the new agreement?

(e) In case Government decided to maintain quota system, do they propose to consider the equity of lowering the import duty in the interests of consumers?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** (a) On the expiry of six months from the date on which notice to terminate shall have been given by either of the High Contracting Parties. If the Honourable Member has in mind not the Convention, but the Protocol regarding the importation of Japanese cotton piecegoods into India, the answer is, 'on the 31st March, 1940'.

(b) On the 26th of October, 1939, the negotiations were begun.

(c) Negotiations for a revised Protocol are still in progress and I am unable to foretell when they are likely to end.

(d) If a revised Protocol is agreed upon, it will not be necessary to embody it in a Bill.

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† Answer to this question laid on the table, the questioner having exhausted his quota.

(e) This is a hypothetical question which, I regret, I am unable to answer.

**Dr. Sir Ziauddin Ahmad:** If the Protocol expired on the 31st March, may I know what the position is today?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** The position is that the Convention exists, but the Protocol has come to an end, but I would draw my Honourable friend's attention to the Press Note that was issued as an agreed statement between our delegate and the Japanese delegate that during the period that will intervene between the ending of the Protocol and the formation of a new agreement, things would not be prejudicial to either party, that is to say, no heavy shipment of goods will be done to the prejudice of this country's trade.

**Dr. Sir Ziauddin Ahmad:** In view of the fact that there is a quota system of 400 million yards, will a fresh quota be taken from the 1st April, and what would happen if the whole quota is consumed during the interval that is, between now and the date on which the Protocol is signed?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** I am afraid I have not been sufficiently lucid in my former reply. Shipments will be regulated as at present on a monthly basis. The rate of all shipments will, as at present, depend upon the amount of imports of raw cotton. Four hundred million yards is merely the maximum figure corresponding to the present maximum of 358 million yards. The Japanese propose that if and when a new Protocol is drawn up, the shipments made on the provisional basis now adopted will be recalculated and readjusted with retrospective effect from the 1st April, 1940.

**Dr. Sir Ziauddin Ahmad:** May I ask whether Government are considering the reduction of the new duty from 50 to some lower figure in case the quota is agreed upon?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** I should have thought that was for the Japanese Government to consider.

#### UNSTARRED QUESTION AND ANSWER.

†110—125.

ALLOTMENT OF QUARTERS TO LOWER-PAID MARRIED CLERKS IN NEW DELHI.

**126. Mr. N. M. Joshi:** Will the Honourable Member for Labour be pleased to state:

- (a) whether he is aware of the fact that the definition of seniority as laid down in the rules for the allotment of residences in New Delhi affects very disadvantageously in the cases of low-paid and married clerks who are non-migratory;
- (b) whether he proposes to examine, and give relief to married clerks who have been out of class for four years, but who are now non-migratory;

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† For these questions and answers, see pages 2002—2011 of these debates.

- (c) whether non-migratory married clerks, who get an allotment for the 'summer season' in New Delhi becomes ineligible for their residences on the arrival of migratory clerks in winter; and
- (d) whether he proposes to give preference to lower-paid married clerks in allotting a residence?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** (a) and (d). The present system of allotment is based upon the applicant's emoluments both in the case of the migratory and the non-migratory staff. Whether it should be as now by seniority or as was formerly the case of allotment of quarters in Simla by juniority has formed the subject of interpellation in the Assembly on more than one occasion. Neither system is free from disadvantages, but on the whole the system now adopted is regarded as the most fair. Government are sympathetic to the difficulties of the lower paid ministerial establishment and their most recent attempt to alleviate them is the construction of 81 more E type quarters during the next financial year.

(b) No.

(c) There is no question of the migratory staff as such having preference over the non-migratory staff; both of them retain those quarters over which they have a lien. When the migratory staff is absent from Delhi and the quarters are vacant, these are temporarily allotted to such non-migratory staff as at the time happen to have no quarters in their own right.

## TRANSFERRED STARRED QUESTIONS AND ANSWERS†.

### WRITTEN ANSWERS.

#### APPOINTMENT OF MUSLIMS AS INSPECTORS OF COACHING AND GOODS ON THE NORTH WESTERN RAILWAY.

**569. \*Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state, community-wise, the number of Inspectors of Coaching and Goods on the North Western Railway?

(b) Are Government aware that Muslims are negligibly represented in these posts?

(c) If the reply to part (b) above be in the affirmative, is the Honourable Member prepared to adopt special measures to give due share to the Muslims in these posts?

**The Honourable Sir Andrew Olow:** (a) Of a total of 41 posts of Inspector of Coaching and Goods (they are now designated Inspectors of Station Accounts) on the North Western Railway, 25 are held by Hindus, 11 by Muslims, three by Sikhs and two by Anglo-Indians.

(b) I do not consider that on these figures it can be held that the Muslim community is negligibly represented.

(c) Does not arise.

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† The meeting of the Assembly that was to be held on the 30th March, 1940, having been cancelled, the answers to starred questions for that day were in pursuance of convention, laid on the table of the House today.—*E. of D.*

**NORTH WESTERN RAILWAY EMPLOYEES PROCEEDED ON LEAVE PREPARATORY TO RETIREMENT AND SUBSEQUENTLY ASKING FOR ITS CANCELLATION.**

**570. \*Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state the number of employees of the North Western Railway who proceeded on leave preparatory to retirement and subsequently applied for cancellation thereof and with what result?

(b) What were the grounds on which such applications, if any, were refused?

**The Honourable Sir Andrew Clow:** (a) and (b). The Honourable Member has not stated the period for which he desires the information and it would in any case be impracticable to examine the records of leave applications even for a short period. I would, however, point out that when an employee has applied for and been granted leave preliminary to retirement, it would frequently cause inconvenience to the administration and to other officials to cancel the arrangements that may have been made.

**EXEMPTION OF ACCOUNTS CLERKS FROM PASSING APPENDIX 'D' EXAMINATION.**

**571. \*Mr. H. M. Abdullah:** Will the Honourable Member for Railways please state:

- (a) the number of accounts clerks, community-wise, who have been exempted from passing Appendix 'D' examination before being posted as Accountants;
- (b) the number of accounts clerks, community-wise, who have been similarly exempted from Appendix 'D' examination before being promoted as Stock Verifiers; and
- (c) if no exemption has so far been made in the case of Muslims in the cadres mentioned in parts (a) and (b) above, will the Honourable Member please state the reason for differentiation?

**The Honourable Sir Andrew Clow:** (a) Presumably the Honourable Member's question relates to special personal exemptions and not to general exemptions, such, for instance, as those granted to *ex-Company* employees of the Great Indian Peninsula and the East Indian Railways who, under the conditions of their service with the *ex-Companies*, were not required to pass any examination, etc. Special exemptions were made in favour of five Hindus (including one Jain) and three Muslims of whom one has since died.

(b) This does not arise, because the Appendix 'D' examination is not a necessary condition for promotion to the rank of stock-verifiers.

(c) Does not arise.

**RESERVATION OF VACANCIES TO REDRESS COMMUNAL INEQUALITIES IN THE SUPERIOR STATE RAILWAY SERVICES.**

**572. \*Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state whether it is a fact that Government reserved 33½ per cent. vacancies to redress communal inequalities in the direct recruitment made in the Indian Civil Service and the Central and Subordinate services? If so, when?



(b) What is the date from which this principle was applied to the superior State Railway Services and subordinate services in the Railway Board's Office and its attached offices?

(c) What was the total number of posts in the superior State Railway Services on that date when this principle was applied to these services?

(d) What is the total number of posts of superior State Railway Services to which direct recruitment is open now a days?

**The Honourable Sir Andrew Clow:** (a) Yes, on 25th September, 1925.

(b) 8th September, 1926.

(c) In 1926-27 the total number of posts excluding the Accounts and Audit Department were:

Administrative, 114,

Senior Scale, 271,

Junior Scale, 369.

(d) In 1938-39 the total number of posts excluding the Accounts Department were:

Administrative, 112,

Senior Scale, 278,

Junior Scale, 332.

The Administrative and senior scale posts are all filled by promotion. Of the vacancies, in the junior scale 85 per cent. are open to direct recruitment. In the case of the Accounts Department, for which the figures have not been given, 80 per cent. are open to direct recruitment.

#### SPIN KAREZ PROJECT OF WATER SUPPLY AT QUETTA.

**573. \*Mr. Lalchand Navalrai:** (a) Will the Foreign Secretary be pleased to state if the Spin Karez project of water supply at Quetta was prepared? If so, by whom were the estimate prepared and how much was to be spent over the project?

(b) If the answer to part (a) be in the affirmative, will the Honourable Member be pleased to state if the previous technical sanction of the Government of India was obtained? If not, what was the explanation of the Superintending Engineer in charge of the works?

(c) Was that project carried out? If so, by which Superintending Engineer?

(d) What was the penalty imposed upon the Superintending Engineer for carrying out the work without sanction?

(e) Is it a fact that a Committee has been appointed to enquire into the matter? If so, who constitute the Committee and what are the terms of reference to the Committee?

**Mr. O. K. Caroe:** (a) Yes, a project has been prepared by the Public Works Department, Irrigation Branch, of the Baluchistan Administration. In 1934-35 a scheme for improving the water supply of Quetta estimated to cost Rs. 7.69 lakhs was prepared and sanctioned, but subsequently owing to the altered conditions resulting from the earthquake it became

necessary to revise the original scheme. A larger scheme at an estimated cost of Rs. 11 lakhs was accordingly prepared and submitted to the Government of India.

(b) The execution of the original scheme was authorised by the Government of India, and in pursuance of this sanction certain preliminary work was commenced by the local administration. Technical sanction has not been accorded to the revised scheme.

(c) Only the preliminary work referred to in the answer to part (b) was carried out. The responsibility was that of the local Administration. The second part of this question does not arise.

(d) Does not arise.

(e) A sub-committee of the Central Board of Irrigation consisting of the Chief Engineers in Sind and the Punjab has been appointed to examine certain technical matters in connection with the proposed Spin Karez reservoir with a view to determining whether the revised scheme is practicable.

#### PURCHASE OF THE BENGAL AND NORTH WESTERN RAILWAY AND ADMINISTRATION OF TIRHOOT LINE.

**574. \*Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable the Railway Member please state whether Government are contemplating purchase of the Bengal and North Western Railway this year?

(b) Are they contemplating transfer of the administration of Tirhoot line to the Eastern Bengal Railway? If so, why?

(c) Is it considered that the administration by the Eastern Bengal Railway will be more economical than the administration by the Bengal and North Western Railway?

**The Honourable Sir Andrew Clow:** (a) No.

(b) and (c). The existing contract under which the Tirhoot Railway is managed by the Bengal and North Western Railway Company expires on 31st December, 1942. The arrangements to be made for the working of this line after that date will be considered in due course. I am not at present in a position to estimate the financial effects of any change that may be made.

#### OPERATING RATIOS OF THE BENGAL AND NORTH WESTERN AND EASTERN BENGAL RAILWAYS.

**575. \*Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable the Railway Member be pleased to state what the operating ratios of the Bengal and North Western and Eastern Bengal Railways are?

(b) Why is the operating ratio of Eastern Bengal Railway so high?

**The Honourable Sir Andrew Clow:** (a) For 1938-39, the operating ratios of the Bengal and North Western and Eastern Bengal Railways were 52.25 per cent. and 82.62 per cent. respectively. Omitting the cost of renewals and replacements and the appropriation to the Depreciation Reserve Fund, the operating ratios would be 41.9 per cent. and 68.5 per cent. respectively.

(b) Some of the factors contributing towards a high operating ratio on the Eastern Bengal Railway are:

- (i) the existence of three different gauges within the system;
- (ii) the high cost of construction;
- (iii) the exceptionally heavy cost of maintenance of track and structural works, influenced by the cost of river conservancy, shewn in Statement 30, pages 180 and 181 of Volume II of the Railway Board's Annual Report on Indian Railways for 1938-39;
- (iv) intense river competition;
- (v) the direct loss of both goods and passenger earnings from interruption due to flood damage reference to which is made in Chapter X, page 134, Volume I of the Railway Board's Annual Report on Indian Railways for 1938-39.
- (vi) a relatively higher proportion of coaching traffic to goods traffic, the former being less remunerative than goods traffic. In this connection, I would refer the Honourable Member to Statements 6 and 15 of Volume II of the Railway Board's Annual Report on Indian Railways for 1938-39;

#### RECRUITMENT OF POSTAL CLERKS IN THE SIND AND BALUCHISTAN CIRCLE.

**576. \*Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Communications be pleased to state whether it is a fact that for the recruitment to clerical postal service, a candidate must pass the departmental entrance examination and should be of the prescribed age?

(b) Is it a fact that certain persons have been appointed and confirmed in the Sind and Baluchistan Circle, who have not passed the qualifying entrance examination and some of them are even over-age?

(c) Have Government altered their policy for recruitment and confirmation to postal clerical service? If not, what is the reason for this departure from the policy?

(d) Will this concession of confirmation be also given to other members of the staff similarly situated? If not, why not?

(e) Is it a fact that a number of Hindu candidates had passed the entrance examination held in November 1938?

(f) Is it a fact that many of them were asked to take three months training in actual work at their own expense? If so, when are they likely to get appointments?

(g) Is it a fact that a large number of candidates were selected for service in the General Post Office, Karachi? Since there are not many vacancies in the General Post Office, Karachi, why are not these men absorbed in other two divisions, namely Lower Sind and Upper Sind Divisions?

(h) Is it a fact that in the two divisions referred to in part (g) above, unqualified candidates were employed and are being employed when vacancies occur? If so, why qualified candidates of the unreserved community are not being employed in preference to unqualified persons?

(i) Is it a fact that an examination for recruitment was held on 3rd December, 1939, in Sind and Baluchistan Circle? Is it a fact that even candidates from unreserved communities were called?

(j) Is it a fact that a large number of candidates, duly qualified from the unreserved communities, are awaiting appointment orders? If so, why were further candidates called for examination, when there is no chance of their employment?

(k) What is the amount of fees that was received from candidates referred to in part (j) above?

(l) Do Government propose to issue orders that no further examinations be held till the candidates on the waiting list are employed? If not, why not?

**The Honourable Sir Andrew Clow:** (a) Yes.

(b) to (l). I have called for information and will lay a reply on the table of the House in due course.

#### OPENING OF A POST OFFICE AT THE JUNCTION OF FRERE AND BURNS ROAD AT KARACHI.

**577. \*Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Communications be pleased to state if he is aware that the Director of Posts and Telegraphs, Karachi, was approached to open a Post Office at the junction of Frere and Burns Roads at Karachi?

(b) Is it a fact that this locality has greatly extended and the whole artillery *maidan* will be served by the Post Office asked for?

(c) Is it a fact that this junction leading from Garrikhata to Suddar Bazar is like a rural area which is newly inhabited and requires the convenience of a post office?

(d) How far distant are the following branch post offices from the afore-said junction:

(i) Sind Secretariat;

(ii) Ranchore lines; and

(iii) Suddar?

(e) Is it a fact that the Sind Secretariat Post Office is within the building of the Secretariat and are Government aware that the other two post offices, referred to above, are overworked already?

(f) Do Government propose to meet the wishes of the people who reside in that locality by providing a post office even on trial? If not, why not?

**Sir Gurunath Bewoor:** (a) Yes.

(b) The reply to the first part is in the affirmative and to the second part in the negative.

(c) No. The place is in the heart of the city and adequate postal facilities already exist.

(d) The distances are about 4, 2 and 8 furlongs respectively. The offices in question are sub-offices and perform both postal and telegraph business.

(e) The Sind Secretariat Post Office is within the compound of the Secretariat but is accessible to the general public. It is not a fact that the other two post offices are overworked.

(f) No, for the reason given in reply to part (c).

#### PROMOTION OF SHUNTERS AS DRIVERS ON THE NORTH WESTERN RAILWAY.

**578. \*Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state how many grade III shunters have been promoted to drivers on the North Western Railway in 1939?

(b) With reference to the answer to starred question No. 179(c), put on 14th September, 1939, to the effect that 33 vacancies in grade III held in abeyance in 1934 were recently restored, will the Honourable Member be pleased to state if all the 33 places have since been filled up? If not, why not?

(c) How many grade II staff have been debarred from Loco Shed Foremen and Loco Inspectors' posts while 33 vacancies were held in abeyance?

(d) Is it a fact that the senior posts of all the departments over the North Western Railway are represented by Indians except the posts of Loco Foremen and Loco Inspectors? If so, why?

(e) Is it a fact that Foremen for shops are likely to be taken direct from England? If not, why are not Indians taken up for these posts?

(f) Is it a fact that assurances were given in 1939 to fix percentage for working mails and expresses for grade III and IV drivers? If so, has that been given effect to?

**The Honourable Sir Andrew Clow:** (a) and (b). I would refer the Honourable Member to the reply given to Bhai Parma Nand's unstarred question No. 91 on the 20th March, 1940.

(c) I think it unlikely that any grade II staff have been prevented from securing posts of Loco. Shed Foremen or Loco. Inspectors during that period.

(d) If the question refers to subordinate posts, this is the case. The reason is that it is the policy not to recruit abroad for such posts when there is no necessity to do so.

(e) I would refer the Honourable Member to the proceedings of the meeting of the Central Advisory Council for Railways held in Simla on the 16th September, 1939, and the memorandum prepared for this meeting by the Railway Board.

(f) I would refer the Honourable Member to the reply given to part (d) of Bhai Parma Nand's unstarred question No. 95 on the 20th March, 1940.

#### REPATRIATION OF MRS. L. N. KHANNA AND HER DAUGHTER FROM GERMANY.

**579. \*Sardar Sant Singh:** (a) Will the Secretary for External Affairs please state if he has received any application from Mr. L. N. Khanna of Bombay for the repatriation of his wife and daughter who are at Goblonsz, Sudetepoland, Germany? If so, what steps have been taken by Government to get them back to India in exchange for the German ladies repatriated from India?

(b) Will the Honourable Member please state the number of German ~~ladies~~ repatriated from India, since the declaration of war, and the reasons why Mrs. Khanna and her daughter were not repatriated in exchange?

**Mr. O. K. Caroe:** (a) and (b). This question should have been addressed to the Honourable the Home Member.

### TRANSFERRED UNSTARRED QUESTIONS AND ANSWERS †.

#### WORKING OF THE BOMBAY MULTIPLE UNIT SERVICE ON THE GREAT INDIAN PENINSULA RAILWAY BY CERTAIN DRIVERS.

**110. Mr. N. M. Joshi:** Will the Honourable the Railway Member be pleased to state :

- (a) whether it is a fact that in 1931, it was decided that the Bombay Multiple Unit Service on the Great Indian Peninsula Railway should be worked by 'C' class drivers of Rs. 140 grade instead of 'B' class drivers of Rs. 220 grade;
- (b) whether it is a fact that, as a result of this decision, certain drivers of the 'B' class were rendered surplus to requirement;
- (c) if the answer to the above be in the affirmative, how many men were affected, and how they were dealt with;
- (d) whether it is a fact that a batch of these surplus drivers was allowed to carry on the Multiple Unit Service for many months after the said decision was taken and were eventually absorbed elsewhere on the occurrence of vacancies in a higher grade, namely, in the grade of Rs. 235;
- (e) whether it is a fact that all the drivers referred to in part (d) above were further given an assurance that they would be transferred back to the Bombay division on vacancies occurring;
- (f) whether it is a fact that another batch of the surplus drivers was immediately demoted to the lower grade of Rs. 210 and that most of them are still working in that grade;
- (g) whether it is a fact that they were denied the right of being absorbed on all-line basis, which was adopted while dealing with 'A' and 'B' class drivers in general, and some of the drivers were declared surplus along with them;
- (h) whether it is a fact that this discrimination is against the instructions of the Railway Board issued on the subject;
- (i) if so, the reasons for this discrimination;
- (j) what the basis of seniority adopted was while declaring these men surplus and
- (k) whether there is any change in respect of the basis of seniority now being adopted in their case while considering their case for re-promotion; if so, what it is; and why it is being made?

† The meeting of the Assembly that was to be held on the 30th March, 1940, having been cancelled, the answers to unstarred questions for that day were, in pursuance of convention, laid on the table of the House today—*E. of D.*

**The Honourable Sir Andrew Clow:** (a) Yes, but this was decided in 1928 and not in 1931.

(b) Yes.

(c), (d) and (f). There were 49 'B' grade motormen surplus in January, 1929. 24 were absorbed between 1929 and 1931 in available vacancies of goods drivers with a maximum of Rs. 210 on Divisions. In 1931, 15 junior motormen were absorbed as 'B' grade goods drivers at Kalyan, maximum Rs. 210, and are still working in that grade. Two drivers became medically unfit. In 1933, the remaining eight senior motormen, who had continued to work on the Multiple Unit Service till that year, were transferred to Divisions as passenger drivers, maximum Rs. 235, and the eight junior-most 'B' grade drivers on the passenger service on the line were demoted.

(e), (g), (h) and (i). Inquiries are being made and a reply will be laid on the table in due course.

(j) The date of their promotions to the grade.

(k) I understand that there has been no change; the last two parts do not arise.

#### ESTABLISHMENT OF A CENTRAL CONTROL ROOM AT KALYAN.

**111. Mr. N. M. Joshi:** Will the Honourable the Railway Member be pleased to state:

(a) whether, in connection with the establishment of a Central Control Room at Kalyan, it is a fact that for the link of 12 inspectors, 24 operators, six assistant operators, and two battery attendants, there is room for employing nine persons as leave reserves, or for helping in the task of maintenance of sub-stations and other equipments of the Traction Department of the Great Indian Peninsula Railway between Kalyan to Igatpuri and Kalyan to Kirkee Districts; and

(b) whether it is intended to modify the strength of the staff concerned after the proposed scheme of centralisation of operations of sub-stations has been in full working order?

**The Honourable Sir Andrew Clow:** (a) The link referred to by the Honourable Member is at present employed for the operating and maintenance of sub-stations and other equipment. When the new Central Supervisory Control system is brought into use, a number of Operators and Assistant Operators' posts will be abolished and the occupants rendered surplus to requirements. There will not then be room for employing nine persons in the manner suggested.

(b) Yes.

#### ESTABLISHMENT OF A CENTRAL CONTROL ROOM AT KALYAN.

**112. Mr. N. M. Joshi:** Will the Honourable the Railway Member be pleased to state:

(a) whether, as a result of the scheme for erecting a Central Control Room at Kalyan on the Great Indian Peninsula Railway for controlling certain electric sub-stations, certain members of the Railway staff are likely to be affected;

- (b) whether it is a fact that certain assistant operators belonging to these sub-stations have been demoted from their grade of Rs. 120 to the grade of Rs. 60—10—90 as assistant drivers, they being found to be surplus to requirement;
- (c) whether it is a fact that, according to the instructions issued by the Railway Board, demoted men were entitled to be given
  - (i) the maximum of the lower grade to which they were demoted;
  - (ii) seniority over all others in that grade; and
  - (iii) promotion to any higher post in preference to others until they regain their original pay and position;
- (d) if the answer to part (c) be in the affirmative, whether it is a fact that these instructions were not observed in the case of assistant operators referred to in part (b) above; and
- (e) if the reply to part (d) above be in the affirmative, what the reasons for doing so are, and whether steps are proposed to be taken to see that the instructions in question are fully and properly given effect to?

**The Honourable Sir Andrew Clow:** (a) and (c). Yes.

(b), (d) and (e). I have called for information and will lay a reply on the table of the House in due course.

#### ESTABLISHMENT OF A CENTRAL CONTROL ROOM AT KALYAN.

**113. Mr. N. M. Joshi:** Will the Honourable the Railway Member be pleased to state:

- (a) whether it is a fact that Government propose to erect a Central Control Room at Kalyan on the Great Indian Peninsula Railway for the purpose of operating from this room all the twelve sub-stations between Kalyan, Igatpuri and Kirkee;
- (b) if so, what the amount, for which the scheme was sanctioned originally, was;
- (c) whether the original cost of the scheme was subsequently enhanced; if so, what the amount of these increased costs was;
- (d) whether war conditions have affected the scheme; in case it is so, to what extent;
- (e) whether any amount was spent on experiments in connection with this scheme; if so, what it was; and
- (f) whether any labour or material from 'Maintenance' Account was made use of for this scheme?

**The Honourable Sir Andrew Clow:** (a) Yes.

(b) Rs. 2,97,000.

(c) The total costs as now estimated are Rs. 3,37,000.

(d) Yes; the scheme has been affected by delay in the delivery of materials by several months, and by anticipated increases in the charges for freight, etc. It has not been possible as yet to estimate the amounts involved.

(e) No.



(f) Existing maintenance staff in the course of their routine duties have carried out a certain amount of preparatory work.

#### DISCHARGE OF THE BRIDGE DEPARTMENT STAFF ON THE NORTH-WESTERN RAILWAY.

**114. Sardar Sant Singh:** (a) Will the Honourable Member for Railways refer to his answer to starred question No. 97, asked by Mr. Lalchand Navalrai, on the 15th February, 1940, and state if it is a fact that the Chief Engineer, Surveys and Construction, North Western Railway, wrote to the Deputy Agent, Personnel (now Deputy General Manager, Personnel) on the 27th February, 1931, insisting upon re-employment of retrenched staff of his office? If so, is it a fact that the retrenched staff was re-employed and absorbed in other offices without laying down any restrictions of age, academic and selection board qualifications?

(b) If the answer to the above part be in the affirmative, is the Honourable Member prepared to issue similar orders for the absorption of the temporary staff of the Bridge Department for appointment to permanent posts in departments other than the Bridge Department?

**The Honourable Sir Andrew Clow:** (a) and (b). The Honourable Member is referred to the reply given to his starred question No. 253 on the 1st March, 1940.

#### QUARTERS FOR POSTMEN IN NEW DELHI.

**115. Pandit Lakshmi Kanta Maitra:** Will the Honourable Member for Communications please state:

- (a) if Government are aware that the quarters allowed to the postmen at New Delhi are not of the standard type admissible to the class of employees to whom they have been allotted, that there is no kitchen, lavatory, or a bath, and that the occupants have to draw water from the general pipe installed outside wherefrom members of public and others draw water;
- (b) whether the standard rent for such houses is much less than the House Rent Allowance ordinarily admissible to the postmen of New Delhi;
- (c) whether water charges from the peons and duffries of Directorate Office, similarly placed as the postmen of New Delhi, are not recovered; and
- (d) if so, the circumstances under which postmen of New Delhi are deprived of their full house rent allowance and have to pay a flat rate of eight annas as water charges?

**Sir Gurunath Bewoor:** (a) The quarters allotted to the postmen in New Delhi are of the same type as those allotted to various other officials drawing similar scales of pay and the accommodation is nearly the same as that allowed in the standard type admissible to this class of officials. The inner verandah provided in these quarters has space for a cooking place and common latrines have been provided for a number of quarters with separate units for males and females. Separate bathing platforms have not been

provided. A general tap installed inside the quarters serves the residents of the quarters and ordinarily no member of the public has access to them unless he trespasses into the private compound attached to the New Delhi Post Office.

(b) Yes.

(c) Yes; but the peons and dafties of the Directorate Office are not similarly placed as the postmen of New Delhi as the former belong to the class of inferior servants while the latter do not.

(d) The postmen of New Delhi are not given house rent allowance since they are provided with quarters in lieu thereof. But they are not under any compulsion to occupy the quarters and are at liberty to draw the house rent allowance instead of occupying the quarters. As regards the water charges, all Government servants, with the exception of inferior servants specifically exempted from payment of water charges, have to pay service taxes when in occupation of Government quarters.

#### FIXATION OF PAY OF TEMPORARY HANDS IN THE POSTAL DEPARTMENT.

**116. Pandit Lakshmi Kanta Maitra:** Will the Honourable Member for Communications be pleased to state:

(a) if Government are aware that formerly in the Postal Department, temporary hands were recruited on a fixed rate of pay.

(b) if so, whether Government are aware of the adverse effect it had on the employees who were appointed on a time scale of pay but have had to work in temporary posts on fixed pay, and are now being denied the old rate of pay otherwise admissible to them; and

(c) if the reply to parts (a) and (b) be in the affirmative, what Government propose to do to mitigate the hardship caused to these employees for no fault of theirs?

**The Honourable Sir Andrew Olow:** (a) Yes, in some cases.

(b) No; service on fixed pay does not render an official ineligible for the old scales of pay if he has been in continuous employment from a date prior to the 16th July, 1931.

(c) Does not arise.

#### RECEIPTS UNDER THE HEADS "TELEPHONE" AND "TELEGRAPH".

**117. Pandit Lakshmi Kanta Maitra:** Will the Honourable Member for Communications please state the actual receipts secured by the Posts and Telegraphs Department under the heads "Telephone" and "Telegraph" during the period noted below:

(a) from 1st April, 1939 to 31st August, 1939; and

(b) from 1st September, 1939 to date?

**The Honourable Sir Andrew Olow:** On the assumption that by 'actual receipts secured' the Honourable Member means the sums actually credited to the two branches, the particulars are as follows:

(a) About 16 lakhs under Telegraphs and 41 lakhs under Telephones.

(b) About 60 lakhs under Telegraphs and 57 lakhs under Telephones up to the 31st January, 1940.

These figures do not represent the revenue attributable to the working of the branches during the periods in question, as they omit many adjustments made later, and particularly the share of stamps used for telegraph purposes which constitutes the main item of telegraph revenue. No record is maintained for periods shorter than a year of the revenue attributable to the telegraph and telephone branches.

#### TEMPORARY BUILDING OVERSEERS OF THE POSTS AND TELEGRAPHS DEPARTMENT.

**118. Pandit Lakshmi Kanta Maitra:** (a) Will the Honourable Member for Communications please state whether he is aware that all the Posts and Telegraphs buildings are being taken over by the Central Public Works Department from 1st April, 1940?

(b) If so, what arrangement has been made for providing the temporary building staff of the Posts and Telegraphs Department who have been working for over eight to twelve years?

(c) Is it a fact that several Engineering Subordinates will be required by the Central Public Works Department for the maintenance of these additional buildings?

(d) If so, what procedure will be adopted for recruitment of these subordinates?

(e) Have any instructions been issued to the Central Public Works Department for giving preference to the appointment of these temporary Building Overseers of the Posts and Telegraphs Department who are to be thrown out of employment after eight to twelve years' continuous service?

**The Honourable Sir Andrew Clow:** (a) The Central Public Works Department are taking over all works in connection with Post and Telegraph buildings from the 1st April, 1940, in the following Provinces only:

Bengal, Bihar, Bombay, Madras and Sind.

(b) The temporary staff will be discharged when no longer required.

(c) Yes. A number of engineering subordinates have already been recruited for the maintenance of these and other Central Government buildings all over India which have been placed under the Central Public Works Department.

(d) These vacancies have been widely advertised in the Press in Bombay, Madras, Calcutta, Delhi and Lahore, and selections have been made after interview.

(e) No.

#### VACANCIES OF GRADE III FIREMEN ON THE NORTH WESTERN RAILWAY.

**119. Mr. Lalchand Navalrai:** (a) Will the Honourable the Railway Member be pleased to state if it is a fact that about 75 posts of grade III firemen are lying vacant on the North Western Railway from 1929 up till now? If so, why are they not being filled up from firemen, grade II, who are literate and some of whom have passed matriculation examination?

(b) Why are the posts of boy firemen being filled by outsiders and not by literate cleaners class II?

**The Honourable Sir Andrew Olow:** I have called for information and will lay a reply on the table of the House in due course.

**PROMOTION OF GOODS MARKERS ON THE NORTH WESTERN RAILWAY.**

**120. Mr. Lalchand Navalrai:** With reference to the reply to my starred question No. 105, asked on the 15th February, 1940, will the Honourable Member for Railways be pleased to state :

- (a) why no channel is provided for markers to be promoted to subordinate service posts;
- (b) whether it is a fact that goods markers appointed after 1st April, 1926, have been promoted to subordinate post, after the necessary training at the Walton Training School;
- (c) whether it is a fact that certain dufftries in the General Manager's office have been promoted as clerks; if so, whether any age limit was insisted on in their case; if not, why not;
- (d) whether there is age limit prescribed for promotion from inferior to subordinate service on other State Railways; if so, whether the Honourable Member proposes to state the particulars; and
- (e) if the reply to part (d) be in the negative, whether Government propose to have uniformity of rules on State Railways; if not, why not?

**The Honourable Sir Andrew Olow:** The question cited was not asked by the Honourable Member and does not refer to this subject; but the following answers are furnished to the questions now put:

(a) The Honourable Member is referred to the reply to part (b) of Mian Ghulam Kadir Muhammad Shahban's question No. 106 on the 15th February, 1940,

(b) and (c). Government have no information, but the Honourable Member is referred to the reply to part (c) of Mian Ghulam Kadir Muhammad Shahban's question referred to above.

(d) No age limit is prescribed either on the North Western Railway or any other State-managed Railway where there is a direct avenue of promotion from inferior service to subordinate service. Where there is no direct avenue of promotion from inferior to subordinate service, the practice on each Railway varies. On the Eastern Bengal and East Indian Railways, such promotions are only made in exceptional circumstances. On the Great Indian Peninsula Railway, such promotions are limited to one or two categories of subordinate staff. Inferior servants must be specially selected by Heads of Departments who are authorised, if necessary, to relax the age limit.

(e) There is no such proposal under consideration; Government consider that this is a matter in which discretion should be left to the railway administration.

### SELECTION FOR PROMOTION AS HEAD PERSONNEL CLERKS IN DIVISIONAL OFFICES ON THE NORTH WESTERN RAILWAY.

**121. Mr. Lalchand Navalrai:** Will the Honourable Member for Railways be pleased to state :

- (a) whether a selection was lately held for grade V Personnel Clerk's posts in Divisional Offices; if so, when it was held;
- (b) the number of persons considered fit, by denominations, for promotion as Head Personnel Clerks in grade V; and
- (c) whether the persons already selected rank senior to persons selected at the last selection; or the place for promotion will depend on their substantive seniority?

**The Honourable Sir Andrew Clow:** (a) Yes, on the 11th and 12th April, 1939.

(b) Three—one Hindu, one Muslim and one Sikh.

(c) If the Honourable Member has in view seniority in grade V, that will depend on the relative dates of confirmation in that grade. Those previously selected will be tried in grade V before those selected at a subsequent test.

### PROMOTION OF SHUNTING STAFF ON THE NORTH WESTERN RAILWAY.

**122. Mr. Lalchand Navalrai:** With reference to my starred question No. 283, asked on the 22nd September, 1939, reply to which was laid on the table of the House on the 6th February, 1940, will the Honourable Member for Railways be pleased to state :

- (a) whether it is a fact that some shunting jamadars were shown as qualified as yard foremen in the Karachi division of the North Western Railway;
- (b) whether it is a fact that they held letters of having passed the yard foreman's examination;
- (c) whether it is a fact that they were recalled and re-examined and declared unfit; if so, why; and
- (d) how many times an employee has to appear for the same examination, if he has passed it once?

**The Honourable Sir Andrew Clow:** I have called for information and will lay a reply on the table of the House in due course.

### WORKS MISTRIES ON THE NORTH WESTERN RAILWAY.

**123. Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state the scale of pay for Works Mistries, old and revised, on the North Western Railway?

(b) Is it a fact that these Mistries are required to do clerical as well as technical work?

(c) Is it a fact that they are classified as "Inferior servants"?

(d) If the reply to part (c) above be in the affirmative, do Government propose to reconsider the classification of Works Mistries and bring them on the subordinate list? If not, why not?

(e) What other categories drawing the same rate of pay and doing the same kind of clerical and technical work are classified as inferior servants?

(f) If there are no such categories, is it proposed to exempt the Works Mistries from being classed as inferior servants?

**The Honourable Sir Andrew Clow:** (a)

Old Scales—

Rs. 45—2—55—3—70.

Rs. 55—2—65—3—80.

Rs. 60—2—70—3—85.

Revised Scale—

Rs. 51—3—60.

(b) No.

(c) They are classed as labourers.

(d) No. I am informed that their classification as subordinates has been considered on more than one occasion but the Administration did not consider that there was justification for changing their classification.

(e) There are no other categories on the same scale of pay doing the same kind of work.

(f) The Honourable Member is referred to the reply to part (d).

#### **BREAKING OF JOURNEY BY RAILWAY EMPLOYEES TRAVELLING ON DUTY.**

**124. Mr. Lalchand Navalrai:** (a) With reference to the Honourable the Railway Member's reply to starred question No. 51, asked on the 9th February, 1940, will he be pleased to state whether any rules exist to the effect that a railway employee travelling on duty to a station about 1,000 miles away from his headquarters, should perform this journey without a break? If so, will the Honourable Member please refer to the specific rule?

(b) If the reply to the first portion of part (a) be in the negative, after how much distance is a railway employee entitled to break journey to take rest?

(c) If no rules exist, do Government propose to frame such rules permitting the breaking of journey after every 250 miles as in some of the civil departments? If not, why not?

**The Honourable Sir Andrew Clow:** (a) and (b). There are no rules of the type referred to, but an official travelling by train in order to carry out his official duties at a distance from his Headquarters is expected to do so expeditiously and should not ordinarily require to break his journey at places where he has no duty to perform, except for the purpose of making a connection.

(c) No. I am not aware of any general rules of this nature in other Civil Departments. The rule which allows one day for every 250 miles of railway journey is one governing the calculation of the number of days admissible as joining time to officials for journeys on transfer from one station to another.

### CERTAIN RESTRICTIONS ON APPOINTMENTS TO SUBORDINATE SERVICE POSTS ON THE NORTH WESTERN RAILWAY.

**125. Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that there was no restriction on appointment of non-matriculates to subordinate service posts on the North Western Railway prior to 1st April, 1926?

(b) Is it a fact that the General Manager, North Western Railway, Lahore, under his letter No. 831-E./43, dated 13th September, 1938, had exempted all employees appointed to inferior service before 1st April, 1926, from the condition of matriculation qualification for promotion to subordinate service posts, but they were required to possess a sufficient degree of literacy to enable them to carry on their duties?

(c) Is it a fact that under the General Manager's letter referred to in part (b) above, even age restriction has been applied to persons holding requisite educational qualifications? If so, the reasons for not giving effect thereto from the date of issue of such orders, *e.g.*, 1938, as referred to in part (b) above?

(d) Is the Honourable Member aware of the general discontent on the North Western Railway for giving retrospective effect to the orders of age restriction issued in 1938?

(e) Does the Honourable Member propose to give effect to these orders from the date of their issue? If not, why not?

**The Honourable Sir Andrew Clow:** (a) Yes, except in the case of office clerks. They have been required to have the Matriculation qualification since 1924.

(b) Yes.

(c) The answer to the first part is in the affirmative in respect of men appointed on and after 1st April, 1926. As regards the second part, minimum educational qualifications for recruitment to the subordinate services were laid down by the North Western Railway in April, 1926. Inferior servants recruited after that date in those categories in which there is no direct avenue of promotion to the subordinate service are considered for promotion only if they satisfy the conditions both as regards educational qualifications and age limit. So far as I am aware no retrospective effect has been given to the orders which govern only promotions made after the date of the orders.

(d) and (e). Do not arise.

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### ELECTION OF THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Friday, the 29th March, 1940, the time fixed for receiving nominations to the Central Advisory Council for Railways seven nominations were received. Subsequently one Member withdrew his candidature. As the number of remaining candidates is equal to

[Mr. President.]

the number of vacancies, I declare the following Members to be duly elected, namely:

- (1) Haji Chaudhury Muhammad Ismail Khan;
- (2) Mr. Lalchand Navalrai;
- (3) Captain Sardar Sir Sher Muhammad Khan;
- (4) Lieutenant-Colonel M. A. Rahman;
- (5) Lieutenant-Colonel Sir Henry Gidney; and
- (6) Mr. H. M. Abdullah.

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### THE NATIONAL SERVICE (EUROPEAN BRITISH SUBJECTS) BILL.

**Mr. A. deC. Williams** (Government of India : Nominated Official) :  
Sir, I move :

“That the Bill to make certain provisions relating to service by European British subjects in the armed forces of, or in a civil capacity under, the Crown be taken into consideration.”

The main object of Government in bringing forward this measure is to avoid certain mistakes made in the last war in relation to recruitment, particularly recruitment of persons with technical qualifications. Government wish, on the one hand, to be in a position to recruit as technical officers (who can be obtained only with the greatest difficulty, if at all, from overseas), persons with the necessary technical qualifications and with experience of Indian conditions. At the same time, Government wish as far as possible to avoid depriving civil industry of technical men necessary for its continuance, for Government fully recognise that civil industry can and does play a very great part in a war like that in which we are now engaged.

With this end in view, Government have prepared a classified register under the powers afforded by Ordinance II of 1939, now replaced by Act I of 1940. This classification shows, to such extent as is possible with the existing machinery, the technical qualifications and the degree to which persons can be spared from civil industry. The stage has now been reached where this system of registration should be given effect to.

So far, recruitment of the kind of personnel which we have in mind has been carried out in consultation with informally constituted advisory committees, very similar to those contemplated by clause 5 of the Bill. But there has been no legal sanction for the constitution of these committees, nor have they statutory powers to obtain evidence on which to base their advice. It follows that any employer at present could treat an advisory committee as entirely without authority and can refuse to supply just those particulars regarding an employee which the committee require for arriving at their report.

Further, it is felt that if civil industry is to be safeguarded by being allowed to retain employees who are vital to its continuance, the least that employers can do is to reinstate after the war such employees as can be spared for the defence services. Hence the provisions of clause 8 of the Bill, which follows substantially the obligatory provision for reinstatement in the British Statute, the National Service (Armed Forces) Act, 1939.



Moreover, where a prospective recruit has assurance of reinstatement, it would be difficult for his employer to deter him from volunteering his services. This provision for reinstatement does not of course apply to employees who, in the opinion of the Advisory Committee, cannot be spared without detriment to civil industry.

Government also feel that it is desirable to give a lead to individuals as to the way in which they can best serve the State in this war emergency. Indeed, signs are not absent that such a lead, as relieving the individual of an often embarrassing responsibility, would be welcome.

Having explained the objects in view, I will briefly outline the scheme contemplated in the Bill. As I have stated, we already have a provisional classified register. On the basis of the entries in this register, Officers Commanding Military Districts would be empowered, having regard to the wartime requirements of the Crown, to summon any person of the class registered to attend before a National Service Advisory Committee. These committees would be representative of Government on the civil and defence sides and of civil industry, and would be armed with statutory authority to obtain information necessary to their work. They would report on each individual, whether he can or cannot be spared from civil industry, and if he can, whether he is fit for national service. An individual, who is reported upon as available and fit, would be asked whether he is willing to take up national service. If willing, he may be invited to take up a specified appointment. If he does so, he obtains the right of reinstatement in his civil employ, subject to certain safeguards of the rights of his employer, notably the right to refer disputed cases to a tribunal constituted under clause 9, and presided over by a judicial officer.

These, Sir, are briefly the objects and the machinery of the Bill. I may be asked why it is limited to one community only. The explanation is that that community, having regard to its numbers, can provide the greatest proportion of personnel—particularly technical personnel—of the kind which Government require for this war; and this community is subject in other parts of the Empire to obligations in respect of war service. Further, this measure is the logical outcome of a system of registration which was also necessarily limited to that community, for the simple reason that a national register of communities totalling nearly 400 millions was out of the question.

If there are any other points on which Honourable Members may require further information or explanation, I will endeavour to deal with them at a later stage. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim): Motion moved :

“That the Bill to make certain provisions relating to service by European British subjects in the armed forces of, or in a civil capacity under, the Crown be taken into consideration.”

**Mr. F. E. James** (Madras : European): Sir, we welcome this Bill as far as it goes, but I am bound to add that it has been a profound disappointment to the members of my community that it has not been found possible to apply to them the same methods of compulsory service which are applied to our fellow countrymen in our own country. The National Service Advisory Committees were set up originally on a voluntary basis to

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serve as a liaison between the military authorities and the European community with respect to the calling up of European British subjects and to assist in reconciling military needs with those of industry and commerce. These Committees have been working, in some cases under considerable difficulty, for the past few months. As it has not been found possible owing to various legal obstacles to apply compulsion to our community, we are at least glad that this Bill confers upon the National Service Advisory Committees statutory recognition. That will give them a much better place *vis-a-vis* the military on the one hand and *vis-a-vis* their own community on the other. I also welcome very warmly the provision in section 8 with regard to re-instatement in employment after the cessation of hostilities. This is a real protection for the employee.

It must not be supposed, however, that the fact that this provision is included in this Bill implies in any sense a general unwillingness of the vast majority of employers to release their employees for service with the armed forces of the Crown. But there were circumstances which arose after the last war and which may well arise after the close of the present hostilities, which would leave the employee and indeed the employer in an extremely difficult position with regard to re-employment, and, therefore, the provision for the setting up of a tribunal before which these matters can be discussed is suitable and will, I think, not only protect the employee but will give the employer, when he finds himself in a difficult position after the war, an opportunity of stating his case, and, if necessary, of getting some release from his obligations to his employee.

There are one or two points on which I should just like to have my Honourable friend's advice. In the first place, I understand that, as soon as a notice for calling up is issued by the competent authority, the National Service Advisory Committee may call upon the person to whom that notice is issued, to submit himself to be examined by a "medical officer of the armed forces". I should like to know exactly what is intended by that description "medical officer of the armed forces". I assume it applies to any officer of the R.A.M.C., of the I.M.S. or of the I. M. D.

Secondly, with regard to the powers of a Civil Court which are conferred upon the National Service Advisory Committees, I take it we may assume that once the calling-up notice has been served upon a person, the Committee is empowered to summon any witness to give evidence with regard to the fitness and availability of that person for national service, and that any person would obviously include his employer who would perhaps be the best qualified person to give such evidence.

Then, there is one further point on which we should like to be assured. It is provided in sub-clause (4) of clause 4 that such travelling and other allowance as may be prescribed shall be paid by the competent authority to any person required to present himself in accordance with any notice under this section. We take it that that would include any travelling and other allowances which the person might have to incur in connection with his medical examination. There is no provision apparently for the payment of medical officers who are required to examine persons who are called up. That is not a matter for us of course, but I mention that point because I am anxious to avoid any difficulty in the working of the machinery of this Act. Then there will be expenses incurred by the National Service Advisory Committee itself which is constituted now under Statute, with

regard to the administration of the office, and also occasional travelling expenses on the part of its members, who may be required to go to a central place for the purpose of examining those who are called up within certain specific areas. These, I admit, are comparatively minor points relating to the machinery set up under this Bill, and I have nothing further to say except that we hope that the House will accept the Bill and that the statutory National Service Advisory Committees will now be given the fullest possible co-operation by the military authorities.

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non-Official): Sir, my intervention in this debate will be for a few moments. Like my friend, Mr. James, as a Member of this Group and as a Member of the Anglo-Indian community, I welcome this measure, not because I think there was any necessity for it, for, I believe, that the spirit of devotion to service and sacrifice is inherent in every Britisher in this country, as it is in my community. But there are just one or two points to which I should like to refer with a desire to receive guidance and possibly to instruct the Government Departments on certain aspects of this Bill.

As a preliminary to my remarks, I hope, Sir, that the Government in this country will not find itself in the same difficult position as the British Government find themselves today, in having to bring back men from the Western Front to fill the key industrial positions in the country. Let me now draw the attention of the Honourable Member to part (b) of clause 2. The term 'European British subject' has had and still has various interpretations put upon it in this country,—you have one definition in the Criminal Procedure Code, another in the Government of India Act, 1935, and a third for enlistment into the Auxiliary Force, India, and there is now a fourth definition to be found in this Bill. I have no desire to raise a controversy on this point, but I should like to bring to the notice of the Honourable Member, as I have done in writing, that last year when a Register was started to comply with the demands of Ordinance No. 2, the names of many members of my community were accepted and at times were forced on to it. That register, I refer to Calcutta in particular, stands today unaltered and if that register is to be accepted as the correct number of men, i.e., European British subjects as now defined, who are available for the operation of this Bill, then I strongly protest against its acceptance and ask for an immediate examination of each one of these names and that a corrected list be made. These men, mainly employed in the Calcutta Customs and the Calcutta Police,—the latter I believe with the use, if not of compulsion, at least of persuasive compulsion,—signed this register as European British subjects. I know that clause 3 (1) (c) prevents the application of this Bill to men holding these key positions and I am glad for that assurance. But, on principle, I think it is wrong for any measure to be brought before this House by Government which encourages people of one community to get into a register of another community and so deprive that community of its real strength. Indeed Government should be the first to dissuade such mal-practices and the Heads of Departments should be made personally responsible for a correct return. I would ask the Honourable Member again, though he has personally explained the matter to me to my entire satisfaction, carefully to note the objection I am raising today. You have the definition on paper of your own making, and contrary to the accepted definition of European British subjects and the 1935 Act, but what happens in practice

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is this, a number of Anglo-Indians and domiciled Europeans are to be found in this register who should not be there, and, as a remedy, I would suggest to Government, firstly, to add the following words to (b) of clause 2 of the Bill;—"the date of birth, the place of birth and domicile". This would prevent these interlopers coming into this register which I am strongly against. If the Government are prepared to do this, then I would ask Government, as a corollary, to be so good as to call upon Heads of Departments—specially in the big provincial towns,—carefully to re-examine the names of those who have already been included in this register. I do not make this desire in any carping spirit. I say it with a constructive desire and for the benefit of my community which is being depleted of its correct strength by such loop-holes. I hope the Honourable Member, who has personally assured me that no such men will be allowed in this register and that, as a matter of fact, these men will not be employed, will see to it that those who are not entitled to be on this register are excluded from this list. I realise it is both difficult and delicate to ask Government to interfere, but it is a matter that could be very easily adjusted if a re-examination of those registers is made by a competent authority, if necessary, with the assistance of the Anglo-Indian and Domiciled European Association of which I am the President. With these few remarks, Sir, I compliment the Honourable Member on the Bill, and I fully endorse the remarks my Honourable friend, Mr. James, has made.

**Sir Muhammad Yamin Khan** (Agra Division : Muhammadan Rural) : So far as the Statement of Objects and Reasons is concerned, I think that nobody will have any dispute with that. If the Bill had stood as defined in the Statement of Objects and Reasons, there would have been no necessity for anybody to say anything on this Bill. But I am afraid the Bill goes much further and is ambiguous in many respects where it ought to have been more clear. The Statement of Objects and Reasons says :

"This Bill is designed to bring European British subjects in this country as far as possible into line with their fellows in other parts of the Empire in respect of service in His Majesty's Forces during the present war."

But the title of this Bill says : not only "in the armed forces of . . . ." but also, "in a civil capacity under, the Crown". I do not understand what is meant by "civil capacity under the Crown." In clause 2 (d) you have :

" 'national service' means service in the armed forces of the Crown or in any civilian capacity under the Crown."

Why should the European community residing here in India be asked to render any civil service, and what is the object of getting this law made with the consent of this House forcing the community, which after eliminating others remains only the commercial community,—to render any civil service by force? There could be only two reasons. First, there may be such an emergency in the Civil Service that nobody could be found to do such work in India, or it may be that the nature of that work may be as important as military work. This has not been made clear, but these two phrases come in very quietly in the title and in clause 2 (d). Therefore, my objection to this portion is that these words should be deleted and nobody should be called for any civil service by force, when we have plenty of people to render that kind of service in India.

**Mr. J. D. Boyle** (Bombay : European) : There is no compulsion.

**Sir Muhammad Yamin Khan** : That is what I say, there is nothing. I am coming to that. Clause 7 says that they will be called upon under certain conditions, but here these two phrases come in to the effect that they will be called for the national service, and under national service they will be compelled to do this service.

**Some Members of the European Group** : No, no.

**Sir Muhammad Yamin Khan** : My Honourable friends have not read the Bill. They will allow me to say this that they do not understand; there is one of the two things. The competent authority on the advice of certain persons—the advisory board—will find out whether this man is capable of rendering such and such work and he will be liable to do that work.

**Mr. F. E. James** : May I just say that my Honourable friend is under a misapprehension? If he will look at sub-clause (2) of clause 7 of the Bill, he will find that there is no compulsion :

“If such person states that he is willing to undertake national service the competent authority may specify the capacity for which such person is suitable . . .”

But the person has to state first whether he is willing and the obligation is entirely on him. There is no compulsion whatever.

**Sir H. P. Mody** (Bombay Millowners' Association : Indian Commerce) : If he is not willing, then nothing can be done. That is the whole meaning of it.

**Mr. F. E. James** : Yes.

**Sir Muhammad Yamin Khan** : The competent authority will call him to appear and will decide the purpose which he will be able to render service, —in the military or in the civil. It is one thing to bring the question on a level with that which prevails in England and other parts of the Empire, but there is no such thing as a competent authority calling upon the man to render any civil service. The competent authority is itself a military authority, and that military authority calls upon the person to render civil duty! The civil duty is to be decided by a competent authority which is a military authority. For example, they may decide as to what kind of suitable work he can do in place of my Honourable friend, Mr. Williams, here. That competent authority may judge that my friend, Mr. Boyle, can take up the place of Sir George Spence and do that duty properly and then he will be appointed there. That means that this Bill is a ridiculous one, if that can be done. If that thing will ever be done, why leave this loophole in a Bill like this. If there is no such intention to employ these gentlemen in the civil then why introduce anything of this nature?

The second thing which I don't understand is what kind of duties will be required from these persons who belong to the Dominions and the Colonies. I can understand that people in Great Britain are on one level with India. Indians enjoy the same privileges in England as the English people enjoy here and there is a reciprocity but if a man comes from the Dominions which do not give facilities to the Indians properly, where

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Indians are living at a great disadvantage and Colonies in which Indians can have no voice, why should these people come here and be called to duty. I want to know in what capacity they will be asked to serve and whether these persons will be made officers in the Indian regiments. It has got to be explained in the Bill what kind of service will be required from these people.

My friend knows fully well that there is a strong feeling in the country and in this House that we should not give any kind of privilege for any persons coming from any Colony or Dominion where the Indians are not properly treated and that they should not take any position of advantage over the Indians in their own country. If you give a King's Commission to a gentleman coming from South Africa or from any other Dominion where Indians are not allowed even the ordinary privilege of equality, he will lord it over the Indian troops and that position will not be tolerated by any Indian in this country and, therefore, we want this position to be fully cleared up. Unless the Dominions and the Colonies concerned are prepared to treat Indians properly in the manner that we are all people belonging to one Empire, till that time Indians must also have the exclusive right of not allowing them to come to this country in a privileged position. This position has to be made clear before any consent of this House can be given to a Bill like this. There are many other points on which I should like to speak but I am sorry I cannot speak longer as I am not feeling well. So, I have to conclude my speech.

**Mr. J. D. Boyle:** I rise to make a suggestion in connection with the point that was made by Sir Henry Gidney just now. I would suggest to him that if his amendment was accepted, it would mean that a considerable number of European British subjects would not be able to find a place in the rolls and that therefore a better way of getting over the difficulty that he raised would be for representatives of his community and mine to get together at the various centres where the rolls are maintained and to discuss an amicable settlement as to those names that should or should not be on the roll but it would be quite impossible to accept the amendment that he suggested to Government.

**Lieut.-Colonel Sir Henry Gidney:** I accept that.

**Mr. Lalchand Navalrai (Sind: Non-Muhammadian Rural):** Sir, I wish to understand the position. I can well understand that so far as the military side is concerned, people may be given notice to come and say whether they would like to join. That is understandable and I also understand that there is no compulsion in that. It is left to them to accept the job or not but I want to make the point clear so far as the civil side is concerned. It may be that the British people may be called in order to ask them whether they would join the civil side of the Government but I cannot understand why it should not be done in the ordinary way as recruitments are made. Why should it be done under this Act, if it is voluntary and there is no compulsion. At present in the civil side of the Military Defence Department, people are being recruited in the ordinary way. Either the candidates apply or they are asked to apply and qualifications are laid down for them to be taken in service.

Why is it that for that specially a provision is going to be made under this Act. This is a point which ought to be made clear. Otherwise I do not find the necessity for one part of the Bill.

**Mr. Muhammad Nauman** (Patna and Chota Nagpur *cum* Orissa: Muhammadan): I do not want to discuss this Bill at length, but I would point out, as was pointed out by Sir Muhammad Yamin Khan, that we do not approve of the inclusion of British subjects in the colonies and so on as we find in the definition of "European British subject" here in clause 2. As my friend has pointed out, the treatment meted out to Indians in those colonies need not be described. It has been described in this House several times. If they are not prepared to give the same treatment as they give to the subjects of the British Isles, then we have also no business to give them the status of the British subjects in this country. On this particular ground, I am opposed to this clause, and I hope that some effort will be made to eliminate it.

Regarding the constitution of the National Service Advisory Committee, I again find that three members have to be nominated by the British Government out of the European British subjects. Again the same definition applies, which includes Australians, South Africans and Canadians, whoever they may be.

Then, Sir, the third point which I want to make out, or just ask for my own satisfaction, is the same as my friend, Mr. Lalchand Navalrai, has asked the House and probably the Honourable Member will explain in reply, as to what he actually means by the civil side of service under the Crown. We quite understand regarding military service, but what is really meant by civil work has to be explained to us before we can give an opinion. These are the remarks I want to make on this Bill, and we shall be glad to hear from the Government what they have to say.

**Mr. M. S. Aney** (Berar: Non-Muhammadan): Sir, as I go through the Statement of Objects and Reasons of this Bill, I find it to be worded in such a laconic language that it becomes difficult to make out what they have in their mind. It has been told to us in this short Statement that the Bill is designed to bring European British subjects in this country, as far as possible, into line with their fellows in other parts of the Empire in respect of service in His Majesty's Forces during the present war. Now, what the position of European British subjects in other parts of the Empire is to be, there is no information given to us anywhere else. So we are not in a position to compare whether they are being exactly brought into line with their fellows, the word 'fellows' is used in the Statement of Objects and Reasons, in other parts of the British Empire, in respect of this matter. We are not told anything about that. Secondly, I think that this way of stating in the Statement of Objects and Reasons is rather intended more to keep us ignorant of what they are going to enact, than to enlighten the Members on the objects of the Bill. That is one objection which I want to raise against this Bill. The other thing is this: I am one of those who do not want to have any discriminatory legislation for anybody in this country as far as possible. I feel that it must be avoided as far as possible. Now this is a Bill which is intended to apply only to European British subjects in India and that is for the sake of employing them in the national service during the period of war. I do not know why special legislation for that should be made? Why the Government should feel it

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necessary to place them on a separate footing in this matter? If the Government think that there is a need for calling upon the subjects in British India for any kind of service, which they deem to be national service, during the period of war, they should try to make a uniform rule for all. Where is the need for singling out the European British subjects for this service? This indicates a mental attitude which we strongly resent. It means that for the present at least they think that they should cover European British subjects in this respect and unless things become worse they do not see the need of including other Indian subjects in regard to this matter. I have got a lurking suspicion that . . .

**Mr. J. D. Boyle:** Is it lurking suspicion?

**Mr. M. S. Aney:** You are right. It is not a lurking suspicion but it is patent. I think you object to the word 'lurking'. My point is that a Bill like this indicates that Government think that for the present they need not look up to any other class of Indian subjects but only to the European British subjects for admission to service, Civil or Military or Naval, during the period of war. Why this kind of discrimination is being made?

**Mr. J. D. Boyle:** Are you supporting the war?

**Mr. M. S. Aney:** I know my Honourable friend will take objection to that part of my speech. What is my general attitude at present is not the question under discussion. When I come to that, you will know whether I am supporting it or opposing it. What I want to know is whether Government are justified in singling you out for this service. I strongly object to that spirit of discrimination which is there in the Bill. And, I believe, my friend has no reply to that.

I have already stated that so far as the question of bringing them into line or putting them on the same footing as the fellows in other parts of the Empire in respect of service in His Majesty's Forces is concerned, it is a matter not known to us. In this Bill the intention seems to be to place them in a particular position. These two points strike me to be very important and go into the root of this Bill. The third point which my Honourable friend, Sir Muhammad Yamin Khan, has rightly brought out is, assuming that European British subjects are to be treated in a particular way, I consider this is a Bill giving a certain amount of privileges and is certainly not a liability to the British subjects in India during the period of war.

**Sir Muhammad Yamin Khan:** It is right.

**Mr. M. S. Aney:** That being the case we want to know, we really want to enter our emphatic protest against the fact that in the definition of European British subjects, persons residing in Dominions and in Colonies should also be included. Government of India are surely perfectly aware of the fact that, for reasons more than one, there is an attitude, and for very good reasons, among the Indians, of resentment and indignation against European British subjects residing in the Dominions and Colonies. I need not go into the reasons why there is an attitude like that. The question has been very recently debated on the floor of the



House and everybody knows the reasons why there is this kind of feeling. The Dominions and the Colonies have been treating Indians worse than pariahs. That being the position, when the Government of India say that in the matter of treatment meted out to Indians in Dominions and Colonies, they are in full sympathy with the people of India, I think it is at times like this that the real nature of that sympathy is really decided, whether they really feel any sympathy for that. They at least should be unwilling to extend to them any privileges which are denied to other Indians in this country. If you think it impossible to withhold any thing from subjects of His Majesty of European descent living in India, you must not extend those privileges to those persons and place them in a better position than the Indians who are living in this country and who are the natives and residents of this country. This principle is tacitly accepted in this Bill, as the definition given in the Statement of Objects and Reasons specifically mentions. It is a point to which we take strong objection. As regards the distinction between armed forces and civil service, it may be that even when the War is going on there may be important civil service which has to be rendered for the fulfilment of the prosecution of the war and I quite understand that kind of provision has to be made but, apart from that, the three points which I have just brought to the notice of this House are to my mind points of principle and I hope that during the discussion and consideration of this Bill, Government will give due attention to the objections raised by me.

**Sir Syed Raza Ali** (Cities of the United Provinces: Muhammadan Urban): Sir, one would outwardly agree with the objection  
12 NOON. that has been raised by my Honourable friend, Mr. Aney, to the effect that in the Statement of Objects and Reasons very little light has been thrown on the position of Europeans in Dominions and in Colonies and also with regard to their status in the matter of the present war. But I do not think that this objection is really tenable. We know what attitude the Europeans in various Dominions and Colonies have taken up. In fact, I hold no brief for my Honourable friend, Mr. Williams, but so far as I know, the position is this. Ireland is neutral and South Africa is making preparation for defending herself on condition that unless the Parliament and the Government of that country so decide, South African troops are not to be sent to any country outside South Africa. This is the position with regard to these two important units of the British Commonwealth. Now, so far as the other Dominions and Colonies are concerned, the European British subjects there have wholeheartedly declared for participation in the war and they have made England's cause their own. I believe that is the position. So, barring the two countries, namely, Ireland and South Africa, (South Africa's case is, of course, rather qualified), all the other Empire countries are in the war, and they are supporting England by all the means in their power. I do not think there is much ambiguity left.

I then come to the second point, namely, whether the Government are well advised in confining this Bill to European British subjects in India. Now, Sir, I wholeheartedly agree with my friend that if India—I mean, the non-official India, the real India—had a definite policy of her own in the matter of war, and if India had declared herself unequivocally, definitely and clearly in favour of helping England by all the means in non-official India's power, it would certainly be a grievance if a Bill of this nature was brought forward in this House which confined itself to

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European British subjects. I would certainly agree with him that if he was prepared to shoulder the burden, it would be the duty of the Government not to exclude Indians from the operation of this Bill. I do not know what the Government's policy with regard to India as a whole and the question of India's future is, but one thing I can certainly say, namely, that having regard to the declaration that had been made at least by one very important political organisation, it is not open to my Honourable friend, Mr. Aney, and his friends to have it both ways. You cannot possibly declare on the one hand that because of certain things India is not prepared to help England in the conduct of the war, and, on the other hand, make it a grievance that in the furtherance of war and the measures which are taken to help England with men, money and resources, the help of non-official India is not sought for. It seems to me that that would be a very illogical position to take up. As a matter of fact, it would be open to the official spokesman to make a sporting offer to my friend, Mr. Aney. So far as my Party is concerned, its attitude is more or less definite. Speaking for myself, I can say this much that we would very much like to help England if we could, but if there are certain difficulties, irrespective of the fact whether those difficulties are raised by the Government of India or by any section of non-official opinion, which do not enable important sections of the people to throw their full weight to help England to win the war, the least that we can do is to let those sections help England that are prepared to help her wholeheartedly. We should put no obstacles in their way. That is the position of India.

Sir, the remarks that I have made are the results of a very sad reflection of the entire position. The entire position is extremely unsatisfactory and the result is that we do not know where we stand and what we are doing. I am speaking as an elected Member of this House. It may be that we have justification for the attitude which we have taken up. I, for one, do not see any justification for the attitude that the biggest political organisation in India has taken up with reference to the question of war.

As regards the third point, I think it deserves attention by Government. I can quite see that as this Bill applies to service rendered on the civil side as a whole, it may be that a man from a Dominion or a Colony that has made discriminatory laws against Indians might be occupying a post which would enable him to render service of a civil nature in India and, as such, he might be in a position of authority over Indians in this country which, I am sure, would give offence to the people of this country. That point is very clear. I do not think there are very many chances of South Africans or Burmans or Ceylonese coming over to India under the operation of the Bill and holding posts of authority over Indians in this country.

**Mr. F. E. James:** Ceylon is excluded.

**Sir Syed Raza Ali:** I am thankful to my friend for this information. Take the other two countries. Surely if the European British subjects from South Africa or even from Burma come over and are placed in a position of authority over Indians in India, that would certainly be resented. As I have said, the chances of such a thing happening are not very many, but still the possibility is not excluded. That is quite true

and I would certainly invite the attention of Government Benches to this important matter. I think steps should be taken—I do not think it would be difficult to take such steps—to prevent such European British subjects coming over to India and being given authority over Indians in this country in connection with the discharge of civil duties.

**Pandit Krishna Kant Malaviya** (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Sir, I rise to oppose this Bill. I, with your permission, Sir, would like to say that my speech which I delivered when the House was discussing the Resolution of my Honourable friend, Sir Syed Raza Ali, stands vindicated if any vindication of that was necessary. This Bill, on the face of it, has discrimination and distrust of Indians writ large on it. I then said that the Government of India want our money, want our goodwill and nothing more. They do not trust us, they do not want to train us, they do not want to give us any military training and they do not want to see that we are trained to defend our country if any contingency arises which needs that we should defend our country. This Bill proves to the hilt that the authorities do not trust Indians. Before the war began our European friends residing in India began to train their youths. The youths who were given training were promised that they would not be sent out of this country and that they would be kept in India.

**Mr. F. E. James:** Who promised that?

**Pandit Krishna Kant Malaviya:** My Honourable friend ought to know that. I am not expected to give him all the information that he needs. He knows that. I am making that statement and let him deny that it is not true.

**Mr. J. D. Boyle:** Certainly it is not true.

**Pandit Krishna Kant Malaviya:** If necessary, I will prove it. The youths were given to understand that they will not be allowed to go out of this country.

**Mr. J. D. Boyle:** No.

**Pandit Krishna Kant Malaviya:** And that they will be kept here to maintain internal order and to see that there is no disorder in this country.

**Lieut.-Colonel Sir Henry Gidney:** No.

**Pandit Krishna Kant Malaviya:** They are not Anglo-Indian youths. Let my Honourable friend understand that both of us are sailing in the same boat.

The European youths in Bombay and Calcutta were told that they would be trained and kept in India. Do you deny that?

**Mr. J. D. Boyle:** Yes, I do deny.

**Pandit Krishna Kant Malaviya:** Well, go on denying it. It is a fact that the youths in Calcutta and Bombay who were drawn from business houses were given to understand that after training they would not be sent out of this country but that they would be kept here.

**Lieut.-Colonel Sir Henry Gidney:** That only applies to Auxiliary Force.

**Pandit Krishna Kant Malaviya:** I am talking of men who are in service in business houses who are not in the Auxiliary Force. I know this to be a fact.

Well, Sir, they trusted these young men of theirs. They were given training, they prepared them for the defence of this country which belongs to us and which will be ours and which we should be trained to defend. This Bill provides for training of British and dominion youths in India. They will be given the necessary training and if occasion arises they will be asked to defend this country. I want to know whether this country belongs to us or belongs to them? Are they going to defend this country or is it our privilege and duty to defend this country? If there is any occasion, if there is any necessity to defend this country, I think, Sir, the whole House on this side will agree with me that we should be given training so that we might defend this country. The Government of India are making provisions and providing facilities for the training of those who do not belong to this country, who are foreigners but the Government of India are determined not to train our youths or provide military training for them. I, therefore, say that so long as they do not trust us, so long as it is not thought proper by this Government to train Indian youths for the defence of this country, we shall be no party to this Bill. We will oppose it and we are opposing it.

**Maulana Zafar Ali Khan (East Central Punjab: Muhammadan):** I strongly oppose this Bill. Only a few days ago when my Honourable friend, Syed Ghulam Bhik Nairang, placed a Resolution before this House that the disabilities of Indians abroad should be removed by taking effective steps, I thought the Member in charge of this Bill must have appreciated the strong sense of indignation in this House against the Dominions and the Colonies of the British Commonwealth of Nations whatever that term may mean, at the treatment that was being meted out to our compatriots abroad. I thought that after that it would require some courage to present a Bill of this nature in the House. We have declared openly that as long as the Colonies and the Dominions like Kenya, South Africa, Canada, Australia, New Zealand, and, latterly, Burma and Ceylon also do not learn to respect us, so long we will have no part or lot in allowing them to come over to our country and be given opportunities for lording over us.

So far as the war is concerned, I am one of those who do not want bargaining and haggling with the Britishers at the present moment. After the war is over, then a large section of the Muslims of India will be in the same position in which the Congress is now, that is to say our demand for the independence of India would be as strong as it is now on the part of the Congress, and that we will go to any length to see that our demand is conceded, but that fight will come only after the war is over. That is the only difference between the attitude of Muslims and

the attitude of the Congress. But whatever the attitude of the Congress may be and I think my Honourable friend, Mr. Aney, has given an inkling into its mentality, the Congress has not been deprived thereby of the right of claiming that the European British subjects from the Dominions or from the Colonies have no right to come to our country and be given facilities and afforded amenities in this country especially with regard to that portion of the Bill which contemplates providing European British subjects of the Colonies, living in India, domiciled in India or staying for some time in India, with positions in the Civil service. We are strongly against that, and against their being given every opportunity of serving the British Government in the armed forces. Let them go to their own country, and let them be recruited from there. We will not allow, so far as we have got any voice in the affairs of our country, the extension of such facilities to them. Just imagine, Sir, we go to their country and they treat us as worse than animals. I am not referring to England. The European British subjects who are born in England and who have come to India, may be given every facility. They may be recruited and given positions in the Civil Service. I have got nothing to say against them. My objection is to European British subjects born in the Dominions and Colonies coming to our country and being provided with jobs in the Civil service and also given opportunities of being recruited as soldiers here. India is not going to provide these facilities for them so far as we have got any voice in the matter. The Congress members may not be here and they may have their quarrel with the British Government on account of the war being declared without consulting them. But that does not deprive them of the right to protest against the policy of Government in providing facilities for European British subjects born in the Colonies. They have that right and no one can contest that claim.

Sir, this is a very bitter struggle which has been going on for a long time. Sir Girja Shankar Bajpai the other day assured us that after the war is over India will come to her own and then no one outside India will be able to treat the nationals of India as animals as they are doing now. God only knows what the result of the war is going to be. Let us hope England wins it with the help of her allies. But, as men in authority have declared from time to time, nobody knows what the result of the war is going to be and how long it will continue. So far as we are concerned we should make all efforts to bring it to a successful end. But, in the meantime, it must be remembered that we have got some self-respect, and when we co-operate whole-heartedly with the British Government in winning this war they must have some respect for our feelings. They must not ram a Bill of this nature down our unwilling throats. I hope they will think twice before pressing it. I think the whole of the Muslim League Party and other Parties are against it. If it is pressed to a division, I hope these Parties will all vote on one side and the Official Benches on the other.

**Pandit Lakshmi Kanta Maitra** (Presidency Division: 'Non-Muhammadan Rural): Sir, I had not the least desire to intervene in this debate but for the turn it has taken by reason of the interruptions of my friends on my left. Sir, when one considers the manner in which Government have been treating the people of this land even in these days, one finds it difficult to speak either with moderation or with restraint. This Bill is designed purely to legalise exploitation not by Britishers alone, but by their kith and kin living in the Colonies and the Dominions where

[Pandit Lakshmi Kanta Maitra.]

Indians are treated as pariahs and untouchables. The question of the treatment of Indians Overseas has been a hoary old question, and ever since we came to this House we have been moving motions year after year censuring Government for their policy of utter indifference to the grievances of Indians in this respect. On a previous occasion, about two years ago, when a similar measure came up before the House regarding the treatment of Indians Overseas we clearly pointed out that the best way to vindicate India's national honour and to get for Indians proper treatment outside India was to take retaliatory measures against countries which treated Indians shabbily. We suggested that commercial intercourse with them should be completely closed down. The reply from the Treasury Benches had been that that would be a foolish policy and that instead of talking of reprisal or retaliation the best course would be to pursue a policy of sweet reasonableness with them. Today this very Government have brought forward a Bill by which they want the people of those countries who have no respect for us and who refuse to treat us as ordinary human beings to be provided with jobs in my country where unemployment is stalking and where our own people do not get any training, either military or otherwise, for the defence of their own motherland. And we are asked to countenance this measure. Sir, I appeal to every elected Indian who has got a grain of national self-respect about him to stand up against this dishonest measure and throw it out. Sir, I oppose this Bill.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, the same thing to which serious and very great objection has been taken by us on several occasions is repeated here today. Important measures affecting, not only European British subjects in this country, but also the honour of the Indian nation are always brought at the fag-end of the Session when Members are about to return to their homes. It is quite possible that we may finish our labours in four or five days by talking and opposing Government motions but it is very surprising that such Bills are brought at the fag-end of the Session. This may be an innocent looking Bill but I will give some facts which make it open to very serious objections. This is called the National Service Bill. What does "national service" mean? It is before the Indian Legislature and not before the British Parliament, and, so, I take strong objection to the word "national". It may be 'national service' in England but not in India unless the whole of the Indian people support it or come under it. Of course, India has also been declared a belligerent country but the Indian nation as a whole has not declared war.

**An Honourable Member:** What is the Indian nation?

**Mr. Muhammad Azhar Ali:** You yourself belong to the Indian nation and so do I. So if it is called, "Indian national service Bill" I should also be included in it so that if my children or my friend's children want to go and fight the war they may be enlisted. It is a very discriminating Bill. It is not for national service and, in any case, it is against the sense of patriotism of Indians in India. This Bill could very easily have been brought forward in the British Parliament and then all my European friends who wanted to go could very easily enlist there or from here; they

can leave India. But now the result will be that it is the Indian exchequer that will have to bear the cost of the whole of this employment whether it be of European British subjects who are here in India or in the British dominions. My friends, Mr. Aney and Sir Raza Ali, both have said that if the Dominions people come here and want to be enlisted they will be not only in the army but will be taken in the civil service also. We take serious objection to all that. If the Bill is amended according to our wishes, then it may be that we may give support to it; but under its present conditions, it is really very difficult for us to support this Bill wholeheartedly as you want. My own opinion is that people outside India, people in the European countries, will look at this Bill and laugh; Hitler is bound to know what is passed by this Legislature—his own people will report to him about this . . . . .

**Mr. F. E. James:** May I suggest to my Honourable friend that in view of the fact that Hitler is bound to know what is happening in this House today, he ought to be more careful what he says?

**Mr. Muhammad Azhar Ali:** It is not I who will inform Hitler: it is you yourself who will inform Hitler and it is the Europeans who will know and inform him. I have nothing to do with Hitler—I have nothing in common with him . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member should address the Chair.

**Mr. F. E. James:** I am quite sure the House is greatly relieved by the statement of my Honourable friend that he has nothing whatever in common with Hitler.

**Mr. Muhammad Azhar Ali:** Certainly not. I do not know who Hitler is. Rather I may say that I was robbed by the German nation when I foolishly purchased their marks. I have, therefore, something against the German nation . . . . .

**Pandit Krishna Kant Malaviya:** May I ask the Honourable Member whether there is any difference between that Hitler and these Hitlers here?

**Mr. Muhammad Azhar Ali:** That is a question for you to reply, not for me. As I was saying, outsiders will think otherwise than what is meant and this Bill will go against British interests. This Bill shows that Indians are not prepared to support the war and, therefore, the British Government in India have been forced to bring in a Bill of this nature; no such Bill was introduced before. It is to your disadvantage that you should introduce a Bill of this nature here. Would other people not think that the British Government is introducing in this Legislature a Bill for its own nationals, i.e., the European British subjects as if they are not prepared themselves? They will think that like others they too are not prepared and, therefore, this compulsory Bill has been brought here. I appeal to you to consider this point: the Bill shows that Indian British subjects are not prepared and so no Bill of that nature has been brought forward for them here. Enough has been said about the colonies and colonial people and I need not stress that point. With these remarks I oppose the Bill.

**Mr. M. Ghiasuddin** (Punjab: Landholders): Mr. President, I am taking part in this debate, not with any intention of either hampering this Bill or hindering the successful prosecution of the war or anything of that sort. But there are certain inconsistencies in this Bill which a person looking through it even very cursorily can find, on the surface of it, and I would like those inconsistencies to be explained by the Government spokesman when he replies to the debate. In the Statement of Objects and Reasons it says:

“This Bill is designed to bring European British subjects in this country as far as possible into line with their fellows in other parts of the Empire in respect of service in His Majesty’s Forces during the present war.”

This is exactly the thing which this Bill is not intended for, because in other Dominions and in Great Britain there is conscription . . . . .

**Mr. F. E. James:** In Great Britain, not in the Dominions.

**Mr. M. Ghiasuddin:** In Great Britain at any rate persons between certain ages are liable for military service compulsorily as in other European countries. But this Bill says in clause 7 that after the committee has gone through the claims of people and everything, then it will be of his own sweet will whether he joins the military forces or not. This to my mind is a great inconsistency. If this Bill was designed for conscription for helping the war, and requiring people who are fit to fight to join the services, then surely it would have received our co-operation. But what does this Bill do? . . . . .

**Mr. F. E. James:** May I interrupt my Honourable friend for a minute? I think he was not here in the early stages of the debate. We explained that as far as our community was concerned, we were anxious to have compulsory military service applied in this country as in the United Kingdom: it was merely because there are very difficult legal obstacles to that being done that we had as an alternative to accept the statutory recognition being given to these National Service Advisory Committees, but on a purely voluntary basis.

**Sir Muhammad Yamin Khan:** May I ask my friend, Mr. James, one question? He has not explained one thing, whether his community is willing to join as soldiers and form their own regiment or they are only willing to join as officers. If you want to join as soldiers, we have got no objection to that.

**Mr. M. Ghiasuddin:** My friend, Mr. James, has said that statutory recognition could not be given, although it was the intention of his community that it should be so. In this House we are concerned with the Bill that has been brought before us—we are not concerned with what the intentions of his community are: and I do not think this Bill in any way furthers the interests of His Majesty’s Armed Forces or strengthens them. This Bill seeks to do only one thing and that is that when a person has joined the forces and has been approved by the committee and goes to serve, when he comes back his interests should be protected and his employer should be made to re-employ him. That is a laudable object, I admit, but that is all that this Bill is aiming at. It aims at nothing more . . . . .



**Mr. F. E. James:** I cannot help it if my Honourable friend has not read the Bill till he came this morning to this House and has not understood all its provisions; and I would ask him to do so before he makes any further remarks . . . . .

**Mr. M. S. Aney:** Sir, I object to my Honourable friend getting up and making a second speech. He has no right to do that.

**Mr. M. Ghiasuddin:** I am quite willing to give way to my Honourable friend.

As I was saying, it is a laudable object but this is the limited object for which this Bill has been introduced. Now comes the question of Dominions. Many Honourable Members have spoken about it and they are quite right. This is a genuine grievance of this country and it is a genuine grievance of this House that in the Dominions where my compatriots are treated very shabbily, where they are not even allowed to walk on certain roads,—people from those Dominions should come here and should be given the facilities for training in the armed forces of the Crown and should be made officers and they should have the word of command over soldiers of my country. I think no self-respecting Indian can ever agree to this proposition, and I would request the Government, even if they wish to push this Bill through, to remove the offending words, namely, the subjects of the Dominions and Colonies, because these words will not be acceptable to persons belonging to any school of political thought in this country.

Now, Sir, my friend Mr. Buss, while interrupting my friend, Mr. Aney, asked whether we were prepared to help the prosecution of the war. I can say that, at least so far as three provinces of India are concerned, namely, the Punjab, Bengal and Sind, the elected Members have given their consent to help in the prosecution of the war. So we can safely assume that these three provinces agree to give their whole-hearted co-operation for the prosecution of the war. Well, this Bill will be applied to Punjabis, Sindhis and Bengalis. Now, if the Government wish to be logical, this measure should not be applied only to British European subjects, but it should be applied to all people coming from those provinces whose Legislatures have given their free consent to the prosecution of the war. If that is not done, the Government then it means are introducing discrimination, which again is objectionable.

**An Honourable Member:** All provinces have not agreed to help the prosecution of the war.

**Mr. M. Ghiasuddin:** Well, you can say of the Congress-governed provinces that they are not in favour of the prosecution of the war as stated by their Legislatures, but three provinces I have mentioned, namely, Punjab, Sind and Bengal have passed Resolutions offering co-operation for the prosecution of the war, and therefore I would ask the Government to make this Bill applicable to people coming from those provinces, otherwise it will mean you are introducing discrimination, and as such, it should be opposed.

**Syed Ghulam Bhik Nairang** (East Punjab: Muhaminadan): Sir, I did not intend to intervene in this debate, nor am I going to say much, but I

[Syed Ghulam Bhik Nairang.]

find it necessary to say just a few words to clarify the position of my Party and its attitude towards this Bill. Those Members of my Party who have spoken on this Bill have made it quite clear that there is every possibility under the Bill as it stands of admission to the army or the civil service, during the course of the war, of European British subjects born, naturalised or domiciled in any Dominion as defined in the Statute of Westminster, or in any Colony, except Ceylon, and we have the strongest objection to any such status being conferred on a European British subject hailing from the Dominions or the Colonies. If that objection be removed by a suitable amendment of the Bill,—for instance by removal from sub-clause (b) of clause 2 of the words “or in any dominion as defined in the Statute of Westminster 1931 or in any Colony except Ceylon”, and also by making the necessary consequential amendments here and there, my Party will have no objection to give its entire support to this measure, otherwise in its present undiluted unamended form, we shall be unable to support the Bill and will feel constrained to vote against it.

**Mr. A. deO. Williams:** Sir, I propose to deal first with the few points of detail raised by my friend, Mr. James. The first point related to sub-clause (7) of clause 5. He asks what is the meaning of the expression ‘medical officer of the armed forces’. Well, I have not had the opportunity to get any information on this point, but I cannot conceive it means anything other than what it says, that is to say, a military medical officer of the classes mentioned by him or possibly a naval medical officer or an air force medical officer.

His second point was whether the Advisory Committees would have power to call on employers to give evidence. The answer to that is quite certainly in the affirmative.

As regards his third point,—the question of travelling allowances and examination . . . . .

**Mr. M. S. Aney:** Will the Honourable Member kindly speak up? We cannot hear properly.

**Mr. A. deO. Williams:** Travelling allowance and the expenses attaching to medical examination, as Mr. James pointed out, are matters of detail which will fall to be dealt with under the rules. All I can say is that these Committees are Committees set up by Government, and there is no intention that any one, any private individual, should incur expense in the working of these Committees.

Then, Sir, my friend, Sir Henry Gidney, made a point which, I think, has been met by the suggestion made by Mr. Boyle, and I can only say that the Government will do all they can to see that the proposed arrangement works well so far as the employees are concerned.

Certain criticisms have been made of this Bill on the ground that it goes too far, while certain others have been made on the ground that it does not go far enough. It is true that it does not apply compulsion. The reason is, I may explain very briefly, that to provide compulsion on the same lines as the United Kingdom Statute would involve a discrepancy with the Army Act and is, therefore, outside the competence of the Indian

Legislature. To effect compulsion would require an Act of Parliament, and we think it is better to move quickly though we may not be able to move so far.

I now come to the speeches of those Honourable Members who complained that the Statement of Objects and Reasons is not sufficiently explanatory. I do not know how many of those Honourable Members were present in the House when I made my opening speech. A good number of them were not present. If the Statement of Objects and Reasons is somewhat short, I did my best to supplement it. Honourable Members cannot complain if they were not present in the House. I do not propose, and I am sure, Sir, you will not permit me to make the same speech twice.

But the most serious criticism of this Bill, it is perfectly apparent to the House, centres round the definition of "European British subject" in clause 2, in so far as it includes a reference to the Dominions. Now, Sir, from the practical point of view it matters very little whether that part of the definition remains or not. Large numbers of persons are not involved. Honourable Members may ask why in that case it is included in the Bill. It is as a gesture of good fellowship and goodwill at a time of great stress. (Interruption.) One may gather from the speeches of certain Honourable Members that they want a gesture of ill fellowship and ill will.

**Pandit Lakshmi Kanta Maitra:** But you want to give these people all these jobs in the country.

**Mr. A. deC. Williams:** If they like to feel like that, I cannot congratulate them. But what I do say is this, that it is not a practical issue at all. I appreciate thoroughly the feeling of Honourable Members opposite on the general question, but why fix upon this unfortunate measure which does not involve any practical issue at all in relation to that grievance?

**Syed Ghulam Bhik Nairang:** Cut out this superfluity then.

**Pandit Lakshmi Kanta Maitra:** Having extended your charity so far to us by giving us most of the loaves and fishes, why don't you go a step further and give them to our kith and kin in the Dominions and Colonies—is that your argument?

**Mr. A. deC. Williams:** Honourable Members, it seems to me, have many opportunities to voice their really sincere feelings on this matter, but I think that a measure of this character which really produces so little practical results in that respect might be left alone by them.

**Sir Muhammad Yamin Khan:** It may not be of practical importance, but it is one of great principle.

**Mr. A. deC. Williams:** I do not think I have anything more to say.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That the Bill to make certain provisions relating to service by European British subjects in the armed forces of, or in a civil capacity under, the Crown be taken into consideration."

The Assembly divided :

AYES—41.

Abdul Hamid, Khan Bahadur Sir.  
 Abdul Hamid, Khan Sahib Shaikh.  
 Ahmad Nawaz Khan, Major Nawab Sir.  
 Bajpai, Sir Girja Shankar.  
 Bewoor, Sir Gurnunath.  
 Boyle, Mr. J. D.  
 Buss, Mr. L. C.  
 Campbell, Mr. D. C.  
 Clow, The Honourable Sir Andrew.  
 Daga, Seth Sunderlal.  
 Dalal, Dr. R. D.  
 Dalpat Singh, Sardar Bahadur Captain.  
 DeSouza, Dr. F. X.  
 Dumasia, Mr. N. M.  
 Gidney, Lieut.-Colonel Sir Henry.  
 Gwilt, Mr. E. L. C.  
 Imam, Mr. Saiyid Haider.  
 Ismail Ali Khan, Kunwar Hajee.  
 James, Mr. F. E.  
 Jawahar Singh, Sardar Bahadur Sardar Sir.  
 Kamaluddin Ahmed, Shams-ul-Ulema.  
 Khan, Mr. N. M.

Kushalpal Singh, Raja Bahadur.  
 Mackeown, Mr. J. A.  
 Maxwell, The Honourable Sir Reginald.  
 Miller, Mr. C. C.  
 Muazzam Sahib Bahadur, Mr. Muhammad.  
 Mudaliar, The Honourable Diwan Bahadur Sir A. Ramaswami.  
 Oulsnam, Mr. S. H. Y.  
 Pillay, Mr. T. S. S.  
 Rahman, Lieut.-Col. M. A.  
 Raisman, The Honourable Sir Jeremy.  
 Row, Mr. K. Sanjiva.  
 Scott, Mr. J. Ramsay.  
 Sen, Rai Bahadur G. C.  
 Shahban, Mian Ghulam Kadir Muhammad.  
 Sher Muhammad Khan, Captain Sardar Sir.  
 Sivaraj, Rao Sahib N.  
 Spence, Sir George.  
 Talukdar, Mr. J. N.  
 Williams, Mr. A. deC.

NOES—22.

Abdullah, Mr. H. M.  
 Abdur Rasheed Chaudhury, Maulvi.  
 Aney, Mr. M. S.  
 Azhar Ali, Mr. Muhammad.  
 Banerjee, Dr. P. N.  
 Datta, Mr. Akhil Chandra.  
 Essak Sait, Mr. H. A. Sathar H.  
 Ghiasuddin, Mr. M.  
 Ghulam Bhik Nairang, Syed.  
 Ismail Khan, Haji Chaudhury Muhammad.  
 Lalchand Navalrai, Mr.  
 The motion was adopted.

Maitra, Pandit Lakshmi Kanta.  
 Malaviya, Pandit Krishna Kant.  
 Murtuza Sahib Bahadur, Maulvi Syed.  
 Nauman, Mr. Muhammad.  
 Parma Nand, Bhai.  
 Rafiuddin Ahmad Siddiquee, Shaikh.  
 Raza Ali Sir Syed.  
 Sant Singh, Sardar.  
 Yamin Khan, Sir Muhammad.  
 Zafar Ali Khan, Maulana.  
 Ziauddin Ahmad, Dr. Sir.

**Mr. President** (The Honourable Sir Abdur Rahim): The House will 1 p.m. now proceed to deal with the Bill clause by clause.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

**Sir Muhammad Yamin Khan:** Some of us said "no". The question may be put again.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That clause 2 stand part of the Bill."

**Some Honourable Members:** No.

The motion was adopted.

**Sir Muhammad Yamin Khan:** We said "no".

**Mr. President** (The Honourable Sir Abdur Rahim): It is too late.

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That clause 5 stand part of the Bill."

**Mr. F. E. James:** Sir, I move:

"That in sub-clause (2) of clause 5 of the Bill, for the word 'nominated', in both places, where it occurs, the word 'appointed' be substituted."

There is a slight modification in the amendment which has been circulated, because the word "nominated" occurs in two places in that sub-clause. This seeks to substitute the word "appointed" in place of "nominated", so that the Central Government can nominate by virtue of certain offices and not only by name. The idea is of course to save trouble if the personnel of the committee is changed, as the persons occupying certain positions change during the year. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim): Amendment moved:

"That in sub-clause (2) of clause 5 of the Bill, for the word 'nominated', in both places, where it occurs, the word 'appointed' be substituted."

**Mr. A. deC. Williams:** I accept the amendment.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That in sub-clause (2) of clause 5 of the Bill, for the word 'nominated', in both places, where it occurs, the word 'appointed' be substituted."

The motion was adopted.

**Mr. F. E. James:** Sir, I move:

"That in sub-clause (4) of clause 5 of the Bill, for the word 'nomination', the word 'appointment' be substituted."

This is purely consequential on the acceptance of the previous amendment. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That in sub-clause (4) of clause 5 of the Bill, for the word 'nomination', the word 'appointment' be substituted."

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That clause 5, as amended, stand part of the Bill."

**Mr. M. S. Aney:** Sir, my main objection to this clause is on account of the use of the words "National Service Advisory Committee" made there. My Honourable friend, Mr. Azhar Ali, has rightly pointed out in the general remarks he made on the consideration motion that the nomenclature that the present Bill should be called a National Service Act and that the service for which these men are taken should be called a

[Mr. M. S. Aney.]

national service is a misnomer. After all, what is the service they are called upon to do. They are called upon to do some kind of service during the war. That is true and who are called upon to do that. Only European British subjects are called upon to do it. It comes to this that the national service of India is to be rendered only by European British subjects and from that national service Indians are excluded, whatever may be the reasons but that is the position as I find it here, in this Bill. I submit that if they want to show some respect to the feelings of the Indians who are in this House they should cease to call that service as national service at all. You may call this Bill "European British Subjects Service Bill" or any name you like but to call a service national, from which, for one reason or another, every true son of this country is excluded is nothing but an insult to the Indians and to the cherished sentiments of the people. That is the main object underlying the Bill all along and it occurs for the first time in clause 5. I take exception to that term being used. I, therefore, oppose this clause.

**Mr. F. E. James:** I think my Honourable friend, I would not say deliberately, but completely misunderstood the whole purpose and object of the Bill. If he will look at the definition of national service in sub-clause (d) of clause 2, he will see what it means. The definition of national service does not mean national service by any particular community whatsoever but all those who are performing service in the armed forces of the Crown or in any civilian capacity under the Crown are equally performing national service whether they are Indians or Europeans or belong to any other community. The point of the Bill is that it merely seeks to recognise a certain machinery which is set up for the purpose of reconciling the needs of military service and of business and trade as far as the European community is concerned. I pointed to the difficulties that were encountered in the way of including European British subjects in this country under the compulsory sections of the Armed Forces Act of the British Parliament. My friend has taken objection to the phrase 'national service'. He is not justified in suggesting that it excludes any other community. As far as the nature of the Committee is concerned, the Honourable Member took objection to that. There is absolutely nothing sacrosanct about the title of National Service Advisory Committee.

**Pandit Lakshmi Kanta Maitra:** Sir, I have listened to the arguments of my Honourable friend, Mr. James. After all, Sir, we cannot understand the niceties or subtleties of the language of which my Honourable friend can boast but to any ordinary man who knows something of English, the word "national" conveys a notion altogether different from the one to which my Honourable friend has given expression. Sir, I have no objection, for my part, if my friend, in place of the word "national" puts the word "British national" or "War Service Advisory Committee", but the word "national" in the scheme of Indian legislation, brought before the Indian Legislature, with Indians shut out from the operation of it, seems to me like the play of Hamlet with Hamlet's part left out. I, therefore, cannot accept this kind of phraseology. Let us be honest, let us be frank, and not quibble or distort the real sense of the word. I suggest that either the word "national" should be deleted or it should be substituted by "British National" or "War Service Advisory Committee". You have to make this amendment and, if this is not done, we will have to oppose step by step every other clause that follows. Sir, I oppose this clause.

**Mr. Muhammad Azhar Ali:** I am glad that my Honourable friend has cleared the position about the definition of "national service". Sir, I opposed it on principle and the principle was that you cannot call in India anything national unless the Indians are included in it. That is my main objection and I still hold it. I, therefore, say that we will also oppose this Bill.

**Mr. A. deC. Williams:** Sir, I submit that this protest has come somewhat late. The expression "national service" is clearly defined in sub-clause (d) of clause 2 of this Bill. I submit that it is too late now to make any amendment.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is; "That clause 5, as amended, stand part of the Bill."

The Assembly divided:

AYES—43.

Abdul Hamid, Khan Bahadur Sir.  
Abdul Hamid, Khan Sahib Shaikh.  
Ahmad Nawaz Khan, Major Nawab Sir.  
Bajpai, Sir Girja Shankar.  
Bewoor, Sir Gurunath.  
Boyle, Mr. J. D.  
Buss, Mr. L. C.  
Campbell, Mr. D. C.  
Caroe, Mr. O. K.  
Chettiar, Dr. Rajah Sir S. R. M. Annamalai.  
Clow, The Honourable Sir Andrew.  
Daga, Seth Sunderlal.  
Dalal, Dr. R. D.  
Dalpat Singh, Sardar Bahadur Captain.  
DeSouza, Dr. F. X.  
Dumasia, Mr. N. M.  
Gidney, Lieut.-Colonel Sir Henry.  
Gwilt, Mr. E. L. C.  
Imam, Mr. Saiyid Haider.  
Ismail Ali Khan, Kunwar Hajee.  
James, Mr. F. E.  
Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmed, Shams-ul-Ulema.  
Khan, Mr. N. M.  
Kushalpal Singh, Raja Bahadur.  
Mackeown, Mr. J. A.  
Maxwell, The Honourable Sir Reginald.  
Miller, Mr. C. C.  
Muazzam Sahib Bahadur, Mr. Muhammad.  
Mudaliar, The Honourable Diwan Bahadur Sir A. Ramaswami.  
Oulsnam, Mr. S. H. Y.  
Pillay, Mr. T. S. S.  
Rahman, Lieut.-Col. M. A.  
Raisman, The Honourable Sir Jeremy.  
Row, Mr. K. Sanjiva.  
Scott, Mr. J. Ramsay.  
Sen. Rai Bahadur G. C.  
Shahban, Mian Ghulam Kadir Muhammad.  
Sher Muhammad Khan, Captain Sardar Sir.  
Sivaraaj, Rao Sahib N.  
Spence, Sir George.  
Talukdar, Mr. J. N.  
Williams, Mr. A. deC.

NOES—22.

Abdullah, Mr. H. M.  
Abdur Rasheed Chaudhury, Maulvi.  
Aney, Mr. M. S.  
Azhar Ali, Mr. Muhammad.  
Banerjee, Dr. P. N.  
Datta, Mr. Akhil Chandra.  
Essak Sait, Mr. H. A. Sathar H.  
Ghiasuddin, Mr. M.  
Ghulam Bhik Nairang, Syed.  
Ismail Khan, Haji Chaudhury Muhammad.  
Lalchand Navalrai, Mr.

Maitra, Pandit Lakshmi Kanta.  
Malaviya, Pandit Krishna Kant.  
Murtuza Sahib Bahadur, Maulvi Syed.  
Nauman, Mr. Muhammad.  
Parma Nand, Bhai.  
Rafuddin Ahmad Siddiquee, Shaikh.  
Raza Ali, Sir Syed.  
Sant Singh, Sardar.  
Yamin Khan, Sir Muhammad.  
Zafar Ali Khan, Maulana.  
Ziauddin Ahmad, Dr. Sir.

The motion was adopted.

Clause 5, as amended, was added to the Bill.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. M. S. Aney, one of the Panel of Chairmen, in the Chair.

Clauses 6 to 13 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. A. deC. Williams:** Sir, I move:

"That the Bill, as amended, be passed."

**Mr. Chairman** (Mr. M. S. Aney): Motion moved:

"That the Bill, as amended, be passed."

**Maulvi Abdur Rasheed Chaudhury** (Assam: Muhammadan): Sir, this is one of the most contentious Bills brought up during this Session. It is so contentious that all the elected Members are opposed to it and by elected Members I refer to those who are elected by Indians. If we are taken to represent the country, it means that the whole country is against this Bill. There are different Parties here, *e.g.*, the Congress Nationalists, the Muslim League Party and the unattached Members, but in regard to this Bill their opposition is unanimous. And why is it opposed? Clause 2 is the most contentious part of the Bill and here they have defined "European British subject" to include people domiciled in the Dominions and the Colonies. We have recently been protesting in the matter of discrimination not only against the British people but we have been protesting very bitterly against the Dominions and the Colonies. In spite of that this Bill includes those people. The people of the Dominions treat Indians like cats and dogs and we have no desire to give them any shelter in the administration of India either on the civil side or in the defence of this country. In addition to the Dominions they have brought in the Colonies, which now includes Burma. So that, in the recruitment of the army they will take Burmans. Only last year horrible atrocities were committed in Burma against Indians and feeling is bitter against them. Probably Government will bring them in to quell internal disorder here so that Burma may take vengeance against Indians. I do not see any earthly reason why Burmans should be included . . .

**Mr. F. E. James:** Sir, my Honourable friend is entirely wrong. Burmans are not included in this Bill which refers to European British subjects.

**Maulvi Abdur Rasheed Chaudhury:** Every citizen of a country is proud to defend his own country and it is Indians who should defend their country, when necessary, and not outsiders. It is found that when outsiders have to defend another country they take to their heels at the very first crucial moment and are nowhere to be seen. So for defending India others should not be brought in.



Then at the end of clause 3 we find these words:

"shall be liable under this Act to be called up for enquiry into his availability and fitness for national service."

Sir, a good deal of criticism has been levelled against the use of the word "national" in this Bill. I bring to the notice of the House that in the formation of an Advisory Committee under clause 5, four members are included, of whom one shall be an officer of one of His Majesty's Forces in India nominated by the competent authority and the others shall be European British subjects, not being servants of the Crown nominated by the Central Government. I take strong objection to this Defence Committee. An Advisory Committee is going to be formed under this Act and there is not a single Indian on it. Can this Act be called then a National Defence Act? Is it not more fit to call it De-national Defence Act? How can we call it a National Defence Act when there is not a single Indian on it?

**Mr. F. E. James:** It does not call it any of these things. It is not the title of the Bill.

**Maulvi Abdur Rasheed Chaudhury:** It is an insult that in this country an Advisory Committee is going to be formed without any Indian. It is derogatory to self-respect of this country.

Coming to clause 7, if this clause had clearly stated for what purpose this recruitment is meant, then the thing would have been quite different. It says:

"If such a person states that he is willing to undertake national service,—"

again it is said "national", it should have been "Indian",—

"the competent authority may specify the capacity for which such a person is suitable."

Now, Sir, if the Bill had made clear that these recruits are meant for serving as ordinary sepoy, we would have no objection. But that has not been mentioned. Apparently these are intended for officering our Indian Army. As I have said we are objecting to be subordinate to the Britishers in defence matters and other matters. We have been agitating all these years to this end. This Bill wants to take our sanction in a measure in which even the people of the Dominions and Colonies will be employed over the head of Indian soldiers. This is simply adding insult to injury. If the question had been only British officers, British people, then some section of the House, at least, would have connived at that and would have passed that over without much noise. But when people from the Dominions and Colonies are intended to be brought up for dominating over us in defence matters, well, our anger goes beyond limits.

Now, Sir, this is the position of the Bill. What is the position of the Government? The Government know full well that this is a vacant House. They know full well that a majority of the elected Members are out in order to indicate their disapproval of some measures of the Government. The Government know full well that they have got their full strength in this House and that the Opposition have not got even half the strength even if all the Opposition go against them. Knowing full well this weakness of the House, is it right and fair on the part of the Government to bring in a

[Maulvi Abdur Rasheed Chaudhury.]

contentious measure like this? Even a sense of decency and honesty should have dictated to the Government not to take advantage of the weakness of the House. The Government being better equipped in everything should have been more chivalrous to give up this Bill especially in this Session and if they required this Bill, they should have brought it in a full House so that the Government might know whether it has got the sanction of the House behind it.

**The Honourable Sir Muhammad Zafrullah Khan** (Leader of the House): When is the full House going to assemble according to the Honourable Member?

**Maulvi Abdur Rasheed Chaudhury:** When you are pleased to bring them. I say, Sir, it is most unchivalrous on the part of the Government to bring in a Bill of this nature in an empty House. Government will do well to think of their strong position and give up this Bill in deference to the wishes of the Members of this House. If Government do not find their way to accede to this, I would appeal to His Excellency the Viceroy to withhold his sanction to this pernicious Bill. Sir, I oppose.

**Mr. Lalchand Navarai:** Sir, I do not complain of the House not being full, because the question was put as to when it will be full. I think the Government should reply to that. (Interruption.) I am not the full House. I wish I were. If I were, you cannot pass this Bill. Sir, of course one can see the circumstances happen when Government is to blame, and circumstances happen when others are to blame. But that is another point. The point at present is that if you consider this Bill as an important Bill, then it should not have come at this stage. Apparently it is a small Bill and it looks innocent; but that it is bad is proved by the fact that both the Muslim League Party and the Nationalist Party are against it. They do not want this Bill. We have seen that it is not on all Bills that the Muslim League Party and the Nationalist Party join hands; and now that they have done so on this Bill, it should be realised that the Government are getting this Bill passed only with the help of the Government Members and the Members of the European Group. Is this just? Is this right? Is this constitutional? It is not . . . .

**The Honourable Sir Muhammad Zafrullah Khan:** Why is it unconstitutional?

**Mr. Lalchand Navarai:** It is unconstitutional in this sense that the elected Members are all absolutely against it. Is there any Bill which you can pass only with the help of the Nominated Members? It is certainly unconstitutional. Of course, the dictionary meaning may be different with the Government but from our point of view it is not constitutional. We find in the preamble "Whereas it is expedient to make certain provisions relating to service by European British subjects in the armed forces of the Crown", but what do we find in the Bill itself? In most of the clauses the words frequently used are "national service". May I ask whether this is only for European British subjects or for national service for India? No one can answer it in the affirmative. This Bill is, therefore, a Bill only for Europeans—but the Bill speaks as if we

Indians are to be called upon for national service. It is wrong. In clause 5 we find the phrase "National Service Advisory Committees." Can that mean only British Europeans? No. This is an anomalous Bill which should have been worded differently. If we on this side had drafted such a Bill, we would have been condemned; but here is a Bill in which they say one thing in the preamble and quite another thing in the clauses.

We find in clause 6 again the functions of this National Service Advisory Committees; and further on in clause 7—taking into service on the advice of the National Service Advisory Committee. The sanction of this House is being sought as if what they are going to do is from a national point of view, and, therefore, it is right that all of us on this side should strongly oppose it; and if this Bill is passed, as it is going to be passed, it will go down in history that it was passed by the Nominated Members and the Treasury Benches with the help of a few European Members. I do not say anything derogatory about the European elected Members; but is it right that they should call this national service or some such name? If such phrases are not used, then it may be right to pass a Bill for European British subjects only: but as the Bill is worded, I think we will be doing absolutely wrong to the country if we agree to the Bill. I strongly oppose it. It is very clear also that the Congress, by being absent, is not a party to this Bill; and the Muslim League Party and the Nationalist Party have already opposed it. Therefore, it should be understood that if this Bill is put on the Statute-book, it will be a measure that has been opposed by the whole country.

**Mr. Muhammad Muazzam Sahib Bahadur** (Nominated Non-Official): Sir, I am not at all surprised that this Bill is evoking so much dissent from Members of the Nationalist Party, although I would have expected that the Muslim League Party would not vote against it. (Interruption.) I am almost sure, if Mr. Jinnah had been here, his policy, so far as I know it, would have been not to oppose it as the Bill is one for war purposes and as such will be of short duration. This is a measure which will have force during the continuance of the war, and the moment the war is over it will not be resorted to. I, therefore, deplore the tendency on the part of Members of this House to oppose measures which are primarily intended to help in the prosecution of the war. Whether they are Members of the Opposition or not, every Member of this House who has an abiding interest in the success of the British arms in the present hostilities ought to give his fullest support to such a measure.

**Mr. Chairman** (Mr. M. S. Aney): Will the Honourable Member speak up?

**Mr. Muhammad Muazzam Sahib Bahadur**: I will try to. So long as the war continues, it seems to me that it ought to be the duty of every Member of this House, no matter to what Party he belongs, to help the British people in winning the war; and it has come to me as a surprise that although this measure does not tax the purse of anybody, still it is being opposed so stoutly. The opposition seems to be centred on the word "nationalist" occurring in the Bill. I thought that that word was the exclusive property of that Group, which we do not find here today, I mean the Indian National Congress. I do not know if you will share that opinion with me, Sir, but that word nationalism has acquired in this country the meaning of communalism . . . . .

**Sardar Sant Singh** (West Punjab: Sikh): Then why do you not call it "Communal Service Advisory Committee"? We will accept that.

**Mr. Muhammad Muazzam Sahib Bahadur:** Take it from me that when we use the word 'nationalist', we really mean one with a communal outlook. I really do not know what there is in a name: What we call a rose by any other name would smell as sweet . . . .

**Sardar Sant Singh:** Then call these committees by another name.

**Mr. Muhammad Muazzam Sahib Bahadur:** Call it anything you like. But nationalist in this country means neither more nor less than communalist. That is the way things are moving in this country . . . .

**Mr. Chairman** (Mr. M. S. Aney): The Honourable Member must address the Chair.

**Sardar Sant Singh:** May I ask with your permission, Sir, one question . . . . .

**Mr. Chairman** (Mr. M. S. Aney): The Honourable Member is not giving way.

**Mr. Muhammad Muazzam Sahib Bahadur:** As for the objection that has been raised to the use of the word 'nationalist' by my friends of the Muslim League and the Nationalist Congress Party, I do not think any objection can be raised because by clause 2(d) this word has got a restricted meaning: it is clearly defined there that national service means service in the armed forces of the Crown or in any civilian capacity under the Crown. However much we may stretch our imagination it cannot have any other meaning but the one which the Bill gives it. In these circumstances, I support the Bill before the House.

**Pandit Lakshmi Kanta Maitra:** Mr. Chairman, I rise to oppose the motion for the passage of the Bill into law, and also I rise  
3 P.M. to curse the Members who brought forward this measure.

**An Honourable Member:** Don't curse them.

**Pandit Lakshmi Kanta Maitra:** I do not curse them in person, but I curse the system of which they form a part. One thing that strikes a sensible man reading this Bill is the proportion that the Statement of Objects and Reasons bears to the body of the Bill itself. You have got only three sentences there in the Statement of Objects and Reasons which run as follows:

"This Bill is designed to bring European British subjects in this country as far as possible into line with their fellows in other parts of the British Empire in respect of service in His Majesty's Forces during the war.—Zafrullah."

Sir, it is difficult to imagine that a Government or a Member of the Government holding any responsible position . . . .

**An Honourable Member:** Responsible?

**Pandit Lakshmi Kanta Maitra:** . . . . Not responsible to the Legislature or to the people of the country, but responsible to those to whom they owe their jobs,—should not even think it necessary to give a bit of their minds to the Members of the Legislature whose support and suffrage they seek in the passage of this Bill into law. The Title and Preamble are also so designed as not to disclose the real character of the Bill. . . .

**The Honourable Sir Muhammad Zafrullah Khan:** The Bill is there.

**Pandit Lakshmi Kanta Maitra:** So are you there, and we do not require a ghost to tell us that the Bill is there and what is there in the Bill. While trying to delude Members in a most clear way by phraseology which is not likely to rouse suspicion from any quarter, in sub-clause (b) of clause 2 they have defined European British subjects by bringing under its category those classes of people who live in the Dominions and the Colonies and between whom and Indians there is not much love lost. Sir, if that objectionable, noxious part of the Bill was not there, probably we would not have opposed it in the way we have done. We Indians have our feelings completely soured not only by the treatment meted out to our countrymen in the Colonies and the Dominions, but by the policy of hypocrisy pursued by the Government in this respect. Sir, during the last few years, almost every year a motion was brought forward calling the attention of the Government to the miserable lot of our fellow countrymen overseas, and the Government used to give us a reply in a very cautious way, and they used to assure us that every step was being taken to influence the Home Government and through the Home Government the Dominions and the Colonial Governments to change their attitude towards Indians. Sir, I also remember that almost on every occasion my friends of the European Group showed us some sympathy, though that sympathy was very often guarded and circumscribed by a lot of 'Ifs'. What has pained us most today is that my friend, Mr. James, has not been able to appreciate the feeling in our minds on this question.

Sir, I was indeed surprised by the speech of my friend who has just left his seat and who has served his constituency admirably well. It is amusing to hear my friend, whose constituency is the Treasury Bench, say in this House that he stands bewildered at the opposition of the Muslim League. I am sure my friend, Mr. Muazzam Sahib Bahadur, has taken a very wrong measure of the Muslim League.

**An Honourable Member:** Are you an advocate of the Muslim League?

**Pandit Lakshmi Kanta Maitra:** Well, Sir, in the stand they have taken today, I think I can interpret their feelings in this matter. When they have lined up with me today, I know that they feel that nothing short of a calculated affront has been hurled at Indian nationhood. It is not merely giving us affront in addition to injury; it is flaunting that spirit of audacious effrontery which has of late been the characteristic of the utterances and actions of the Treasury Benches. I can quite appreciate my friend on the Treasury Bench over there replying to some of our criticisms in the way he did. In a very mild way, he seemed to appeal

[Pandit Lakshmi Kanta Maitra.]

to us in this way—‘although we appreciate your feelings in this matter, please do not put exaggerated emphasis on it’. I interrupted him that probably his argument was like this—‘We have drained your country for 150 years, and we have also by Imperial preference and other devices tried to serve and help our own kith and kin in the Dominions and Colonies where you are treated as animals far less than human beings,—but this is an opportunity for us to smuggle a Bill through a thin House by which we will legalise the exploitation of our own kith and kin, in the Dominions and the Colonies. Having extended to us your charity so long, and so far, why stop at it?’. That is a kind of argument which might appeal to him and those who support him like the previous speaker who was amazed at our opposition to this Bill. But let me tell my friend and through him the Government that by bringing in measures of this character, by resorting to these kinds of subterfuges, they are not really strengthening their position. Far from inspiring confidence in us, far from winning our respect, they are steadily going down in our estimation.

Sir, one is shocked at the effrontery of the man who wants to thrust a Board on us and call it a National Advisory Board while shutting Indian nationals out from it. I could never think that shamelessness could go so far as that or that hypocrisy could be stretched to such lengths as the rest of the world would be easily bluffed by expressions like these. Sir, I protest against the prostitution of the sacred phrase “national” for this sordid purpose. The object is not national, it is clearly and absolutely Imperialistic, it is selfish or it may be called by any name which describes that depraved mentality which wants to smuggle a Bill like this through a thin House, which wants to take mean advantage of the absence of a vast body of our elected Members, and that also when most of us on this side feel so strongly on the question. My Honourable friend, the Leader of the House, ejaculated, when my friend, Diwan Lalchand Navalrai pointed out to him that the Congress Members were not here—and it was not a full House “when is the full House coming?”. It is actions like these which will make the appearance of those people impossible, and we also find that it is becoming increasingly difficult for decent people to be here. If any measure is intended for the real purpose of effective prosecution of the war, get it passed by all means, I have no quarrel. But I must protest against this policy of trying to smuggle in the name of India—trying to associate the Indian nation with measures with which India has nothing to do. The Bill is, therefore, notorious, dishonest and as such deserves to be thrown out. I oppose it.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural): I wish to mention just two points in connection with this Bill. One is the way the word “we” is designed. “We” means everybody excepting ourselves, according to this Bill. In this Indian Legislature we define “national” to mean everybody excepting Indians. This is a thing to which any sensible person will object. You may have the measure passed by any other Legislature or you may issue an Ordinance in which you may, if you wish, use the word “national” and “we” in those senses. But when you ask the Indian Legislature to pass this enactment defining “national” as excluding Indians altogether,

it becomes impossible. The second objection that I have is this. You are asking us to say that friends of friends are also friends. We agree with everything that is done for the Britishers, but you ask us to extend it to the friends of friends. If A is a friend of B and B is a friend of C, then, C may or may not be the friend of A. That is simple logic. China is your friend. Russia is a friend of China, but it does not mean that you are Russia's friend. In this case the Dominions are certainly your friends, you are our friends, but friends of yours are not necessarily our friends. For goodness sake, leave out this fallacy from this Bill. We certainly object to the phraseology which you have used. You are guilty of fallacies of definition and undistributed middle. You are not making a mistake of fact or of law, but you are making a mistake of logic. You are defining the words in a way which is objectionable and you ought to have expected how we would feel. You are making an enemy of your friends, by using false logic, and that is bad statesmanship.

**Mr. Muhammad Nauman:** I do not propose to take much time of the House as the elected section of the House has expressed its feelings, and I think the Government are alive to the volume of protest that we offer at the way in which this Bill is being got through this House. I have only to express my satisfaction at what we have done. We have done our part of the duty in lodging our protest in the most emphatic terms that we could command. There ends our duty. We have done what we could, and the Government of India are certainly alive to this feeling which is prevalent in this House on the Bill, and specially the phrases and the words used in the Bill. We heard from the Government spokesman in reply that we should make a good gesture, in spite of the fact that the Dominions were treating us badly. I think we have made enough of gestures, and the time has come when we should express our feelings of resentment rather than show good gestures any more. As Dr. Sir Ziauddin Ahmad has pointed out, the word "national" has been used in a contradictory sense. In an Indian Legislature, "national" used here means almost everybody excepting Indians, and this is very surprising. My Honourable friend, Mr. Muazzam Sahib Bahadur, has expressed the views of his party, namely, the Government. But I think he should not have made any remarks on the Muslim League Party. Our feelings were definitely against clause 2 and we took strong exception to that, and we did give our reasons why we were doing so. My Honourable friend might have thought it necessary to defend the party that he represents, but he need not have made his onslaughts on the Muslim League. We are not going with the Nationalist Congress because we support them, but we do it of our own accord. Surely, both of us have the same feelings as other people,—most of the elected Members of this House,—I should not say every one, had the same feelings,—and naturally we had to go into the same lobby.

**Mr. Muhammad Muazzam Sahib Bahadur:** What I said was that if the Leader of the Party had been present, the verdict of the Party would have been otherwise.

**Mr. Lalchand Navalrai:** But they are all Jinnahs.

**Mr. Muhammad Nauman:** Excuse me, Mr. Chairman, for saying that this is another insinuation made against my Party when my Honourable friend, Mr. Muazzam Sahib, says that the Leader of the Party is not present. He ought to know that we act in accordance with the instructions of the Leader of the Party, and whether he is physically present or not, he is present here in spirit; and we are doing what is his desire. My Honourable friend ought to have known all this before he made any remarks against the Party.

Another point which I want to impress on the House is this, that, while we have every desire to help Government in the successful prosecution of the war, I think the Bill as it is will create a feeling among the Indians that injustice and discrimination has been made and that the opinions of Indians have not been given any weight, which, instead of helping in the successful prosecution of the war, will rather interfere, and it is not in the interests of the Government themselves to bring forward a measure or to embody it in words which are resented by this House. This is what I wanted to suggest to the Government. Even now it is not too late. The Bill may be put off till the next day when it can be brought on the lines that this House has suggested in the different speeches that have been made here. With these few remarks, I take my seat.

**Mr. F. E. James:** I will not detain the House for more than a few minutes, but I do wish to suggest that several of my Honourable friends have not perhaps done enough justice either to this Group or to the members of my own community. If it had been possible without coming to this House for sanction, for the members of my own community between the ages of 18 and 50, to be subjected to exactly the same compulsion as that to which our brothers are subjected in the United Kingdom, we should not have asked this House to help us. We are not unfortunately in a position in which that can be effected. Moreover we are at a disadvantage because we find that for various reasons we are not even able to ask this House to agree to the principle of compulsory national service.

**Maulana Zafar Ali Khan:** You have nothing to fear. You don't come from the Dominions.

**Mr. F. E. James:** I hope the Honourable Member will allow me to proceed. Therefore, we have to accept the next best thing—the machinery which this Bill seeks to set up which assists our own community to mobilise and apportion its strength in the direction in which that strength is most needed. We have submitted to restrictions upon leaving India without special permission from the military authorities and as every one of our community is anxious to serve in this great war, many of us have relations and friends who are at present serving in different forces of the Empire, we felt that the least we could do was to set up some sort of machinery which would assist us to this end. That is all the Bill does and I had



hoped that Honourable Members would have assisted us, having regard to our special position in this country and our special relationship in this particular war.

Now, there are three main points which have been the centre of the controversy in the House. One is the definition of national service or the reference to national service. I think that has been misunderstood. After all, national service is defined here and we interpret national service to mean service in any of the armed forces of the Crown, whether in India or any other part where there is need for our service. It seems to me that it should not matter whether it is an Indian or a European who is in those forces. He is surely performing national service, and I was very disappointed to hear that racial discrimination was attempted to be made, in the case of some of my Honourable friends, with regard to the actual performance of national service. The second main point was, as I understood it, the definition of European British subject and here may I say that we are not wedded to any particular definition. We do not see any practical reason for a change in this particular definition although we realise the point that has been made by my Honourable friends. Surely if they felt so strongly, they should have tabled amendments. The very fact that no amendments were tabled, although the Bill had been before the House for seven or eight days, led us to believe that my friends had no particular objection to these provisions.

**Mr. Muhammad Nauman:** May I inform my Honourable friend that the arrangement was that this Bill will come after the Drugs Bill and, naturally, we thought that we would have enough time to do that.

**Mr. F. E. James:** If they had tabled amendments obviously we should have done our very best to meet any objections which they had to the definition. I did not know anything about that arrangement. We knew certainly that this Bill was to appear first on the agenda for Monday and that in fact enabled us to table amendments. My Honourable friends over there could certainly have tabled amendments.

The third point was the continuous reference to the National Service Advisory Committee. If my Honourable friends did not like the word 'national' they could have put in the word 'emergency' or any other name they liked. The reference to the National Service Advisory Committee was as if it was a sort of defence committee or a committee which was concerned with defence policy. It is nothing of the kind. As has been explained by my Honourable friend, Mr. Williams, and as I tried to explain myself, the National Service Advisory Committee is a committee of non-officials to intervene, so to speak, between the trade and the business population and the military authorities and to ensure that there is no wastage. This war is as much an economic war as a military war and it would be fatal, of course, for a small community like ours to put all its men into military service when there are important trade and other occupations to be maintained during the period of hostilities. That is the only purpose of the committee. The committee has nothing whatever to do with general defence policy. It deals with the names that are placed before it, belonging to my own community, by the military authorities and it has

[Mr. F. E. James.]

power to declare whether such persons are fit and available. I think a great deal more noise has been made about this Bill than really its provisions justify and I hope what I have said will serve to clear up some of the misapprehensions that have been in the minds of Honourable Members.

**Maulana Zafar Ali Khan:** Sir, in the first place let me try to remove certain misunderstandings which have been created in a circle of our friends of the European Group. I do not see what business they have to hold a brief for gentlemen who live in Kenya, in South Africa and other Colonies and Dominions. As European British subjects born in England, bred in India, breaking bread with us, living here in India, what reasons have they to fear? We do not object to them. We object to those colonists and dominionists and other people abroad who treat our nationals with contempt and look upon them as if they were so many animals. All the indignation that has been expressed by the House today was levelled at them and not at you. So, there is no reason why you should fall foul of us or we should quarrel with each other.

So far as the Government are concerned, they have a peculiar knack of converting their friends into their foes. That has been their habit. They insist upon certain phrases and if they can keep their prestige by maintaining an expression used by them as sacrosanct, they do it. Here the discussion is about the word 'national'.

A controversy is going on now between the Hindus and the Muslims. It is contended that the Hindus are one nation and the Muslims are another nation and that there are only two nations in India. The Government spring a surprise upon us and says there is a third nation. If that word had been applied to the British Government and to those gentlemen who are sitting to my left, then I could have understood it but the difficulty is that men from Kenya, men from South Africa and men from New Zealand who have treated us as so many animals come to India and this Bill wants them to be regarded as a nation in fact as the only nation that counts. So, I cannot congratulate Government upon feeling proud in carrying the Bill in the manner they are doing. You know perfectly well that the National Congress Bloc made the blunder of their lives in boycotting the House, according to me. If they had been here, they would have made you dance. You know perfectly well that we are a small bloc here torn with dissensions at times but today we are united over this one thing—the question of national service and knowing that all of us have joined together, where lies the harm if you enlist our sympathies by taking away one or two words, but like the old bureaucrats that you are, you would not do it. You insist upon a certain phrase being used. You alienate our sympathies. We are your friends and you think we are your foes. You want to have your own way but that is not the way of winning the sympathy of India. I oppose this Bill tooth and nail.

**Some Honourable Members:** The question may now be put.

**Mr. Chairman (Mr. M. S. Aney):** The question is:

“That the question be now put.”

The Assembly divided:

AYES—38.

Abdul Hamid, Khan Bahadur Sir.  
 Abdul Hamid, Khan Sahib Shaikh.  
 Ahmad Nawaz Khan, Major Nawab Sir.  
 Bajpai, Sir Girja Shankar  
 Boyle, Mr. J. D.  
 Buss, Mr. L. C.  
 Chettiar, Dr. Rajah Sir S. R. M.  
 Annamalai.  
 Clow, The Honourable Sir Andrew.  
 Daga, Seth Sunderlal.  
 Dalal, Dr. R. D.  
 Dalpat Singh, Sardar Bahadur Captain.  
 DeSouza, Dr. F. X.  
 Dumasia, Mr. N. M.  
 Gidney, Lieut.-Colonel Sir Henry.  
 Gwilt, Mr. E. L. C.  
 Imam, Mr. Saiyid Haider.  
 Ismail Ali Khan, Kunwar Hajee.  
 James, Mr. F. E.  
 Jawahar Singh, Sardar Bahadur Sardar Sir.  
 Kamaluddin Ahmed, Shams-ul-Ulema.

Khan, Mr. N. M.  
 Kushalpal Singh, Raja Bahadur.  
 Mackeown, Mr. J. A.  
 Maxwell, The Honourable Sir Reginald.  
 Miller, Mr. C. C.  
 Muazzam Sahib Bahadur, Mr. Muhammad.  
 Pillay, Mr. T. S. S.  
 Rahman, Lieut.-Col. M. A.  
 Raisman, The Honourable Sir Jeremy.  
 Scott, Mr. J. Ramsay.  
 Sen, Rai Bahadur G. C.  
 Shahban, Mian Ghulam Kadir Muhammad.  
 Sher Muhammad Khan, Captain Sardar Sir.  
 Sivaraj, Rao Sahib N.  
 Spence, Sir George.  
 Talukdar, Mr. J. N.  
 Williams, Mr. A. deC.  
 Zafrullah Khan, The Honourable Sir Muhammad.

NOES—11.

Abdullah, Mr. H. M.  
 Abdur Rasheed Chaudhury, Manlvi.  
 Azhar Ali, Mr. Muhammad.  
 Banerjee, Dr. P. N.  
 Essak Sait, Mr. H. A. Sathar II.

Lalchand Navalrai, Mr.  
 Maitra, Pandit Lakshmi Kanta.  
 Malaviya, Pandit Krishna Kant.  
 Nauman, Mr. Muhammad.  
 Sant Singh, Sardar.  
 Zafar Ali Khan, Maulana.

The motion was adopted.

**Mr. A. deC. Williams:** Sir, the course of this debate has proved most disconcerting to one who, like my Honourable friend, Mr. James, anticipated that this measure would prove wholly uncontentious. I have a feeling that such opposition as there is to this Bill has built up in the course of these discussions in a somewhat peculiar manner. As was pointed out by Mr. James, those who have opposed the Bill, although they were aware on Friday last that the Bill would come up for discussion today, sent in no notice of amendments.

**Some Honourable Members:** No, no, we did not know.

**Mr. A. deC. Williams:** I am informed that notices were sent out on Friday evening. The debate opened in a very calm, not to say solitary, atmosphere. It was not until an Honourable Member adverted to the reference to the Dominions in the definition of "European British subject" that the debate began to assume the temperature which it has since maintained. Speech after speech followed on the general subject, on which I know that Honourable Members opposite really feel sincerely, of the condition and treatment of Indians overseas. But honestly I do not feel that all this had serious reference to the provisions of this Bill.

[Mr. A. deC. Williams.]

Then, at a later stage, when one of the clauses came up, an Honourable Member discovered that he had an antipathy to the word 'national'. This had not been mentioned before, but there followed four or five speeches on that subject.

Mr. James has, I think, explained many of the misapprehensions regarding the use of that word. But I do urge upon Honourable Members opposite not to confuse the general, and no doubt serious, questions upon which they have chiefly dilated with the terms of the Bill. Indeed, a stranger coming to this House might have imagined that he was listening either to the general discussion of the Budget or the Finance Bill, so far divorced was the discussion from the actual details of the Bill before the House or realities. I do appeal to Honourable Members opposite to keep their feelings on the general question separate from the immediate question before the House. That is this Bill, which, I can assure them, will in practice prove entirely innocuous in relation to the matters which have been raised in their speeches.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That the Bill, as amended, be passed."

The Assembly divided:

#### AYES—40

Abdul Hamid, Khan Bahadur Sir.  
Abdul Hamid, Khan Sahib Shaikh.  
Ahmad Nawaz Khan, Major Nawab Sir.

Bajpai, Sir Girja Shankar.

Boyle, Mr. J. D.

Buss, Mr. L. C.

Campbell, Mr. D. C.

Caroe, Mr. O. K.

Chettiar, Dr. Rajah Sir S. R. M.  
Annamalai.

Clow, The Honourable Sir Andrew.

Daga, Seth Sunderlal.

Dalal, Dr. R. D.

Dalpat Singh, Sardar Bahadur  
Captain.

DeSouza, Dr. F. X.

Dumasia, Mr. N. M.

Gidney, Lieut.-Colonel Sir Henry.

Gwilt, Mr. E. L. C.

Imam, Mr. Saiyid Haider.

Ismail Ali Khan, Kunwar Hajee.

James, Mr. F. E.

Jawahar Singh, Sardar Bahadur  
Sardar Sir.

Kamaluddin Ahmed, Shams-ul-Ulema.  
Khan, Mr. N. M.

Kushalpal Singh, Raja Bahadur.

Mackeown, Mr. J. A.

Maxwell, The Honourable Sir  
Reginald.

Miller, Mr. C. C.

Muazzam Sahib Bahadur, Mr.  
Muhammad.

Pillay, Mr. T. S. S.

Rahman, Lieut.-Col. M. A.

Raisman, The Honourable Sir  
Jeremy.

Scott, Mr. J. Ramsay.

Sen, Rai Bahadur G. C.

Shahban, Mian Ghulam Kadir  
Muhammad.

Sher Muhammad Khan, Captain  
Sardar Sir.

Sivraj, Rao Sahib N.

Spence, Sir George.

Talukdar, Mr. J. N.

Williams, Mr. A. deC.

Zafullah Khan, The Honourable  
Sir Muhammad.

#### NOES—12.

Abdullah, Mr. H. M.

Abdur Rasheed Chaudhury, Maulvi.

Aney, Mr. M. S.

Azhar Ali, Mr. Muhammad.

Banerjea, Dr. P. N.

Essak Sait, Mr. H. A. Sathar H.

The motion was adopted.

Lalchand Navalrai, Mr.

Maitra, Pandit Lakshmi Kanta.

Malaviya, Pandit Krishna Kant.

Nauman, Mr. Muhammad.

Sant Singh, Sardar.

Zafar Ali Khan, Maulana.

## THE DEFENCE OF INDIA (AMENDMENT) BILL.

**Mr. A. deC. Williams** (Government of India: Nominated Official): Sir, I beg to move:

"That the Bill to amend the Defence of India Act, 1939, be taken into consideration."

The Statement of Objects and Reasons of this Bill is not quite so exiguous as that of the Bill which we have just passed. There is only one observation which I would add to what is contained in the Statement of Objects and Reasons and that is to explain that the provision which is to be amended by sub-clause 2 (a) provides for prevention of the prosecution of purposes likely to prejudice His Majesty's relations with foreign powers or to incite feelings of hatred and enmity between different classes of His Majesty's subjects. I think it must be admitted that the prejudicing of His Majesty's relations with the States in India or the prosecution of any purpose likely to prejudice the tranquillity of the tribal areas is equally deleterious and should be subject to the like measures of prevention. Sir, I move:

**Mr. President** (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill to amend the Defence of India Act, 1939, be taken into consideration."

**Sardar Sant Singh** (West Punjab : Sikh) : Sir, it seems that the British Government, as constituted in India, are as callous and have as little regard for the liberties of the subjects as can be found or probably can hardly be found in the countries governed by Hitler or Mussolini.

Sir, here they think that it is a simple business proposition to come forward with a measure to restrict the liberties of the subjects without the least human feeling in themselves. I deplored on the day when the Defence of India Act was introduced in this House in the last Session that the tone and the manner in which such measures are to be introduced should be such as to show that the Government of India have been compelled by certain circumstances to introduce a legislation of this sort. At that time I had occasion to remind the House that in the House of Commons when this measure was introduced it was with great regret that the Home Secretary came forward to ask the House of Commons to consent to the restrictions of their liberties. At the end of the discussion, the Member in charge of the Bill was, I should say, gracious enough to concede this proposition and read out that assurance which was read out in the House of Commons. Today, Sir, I have studied the debate that took place in the House of Commons and I find in the debate . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member, the Chair takes it, is addressing himself to the amending Bill now before the House.

**Sardar Sant Singh** : I am referring to the Amending Bill, and no more. I only want to submit that the policy and principle underlying this Bill is to further restrict the liberties of the people with respect to two matters

[Sardar Sant Singh.]

contained in this Bill : with regard to extending the operation of section 2, sub-section (2) clause (v) which attempts to extend the provision;

“or with States in India, or to prejudice the maintenance of peaceful conditions in the tribal areas.”

This is a further instalment of restricting the liberties of subjects with regard to two other matters. Therefore, I am quite relevant when I submit for the consideration of this House that the Government of India have come forward without any speech, without any statement of objects and reasons why it has become necessary to enlarge the scope of this measure. When I look into the debates of the House of Commons, the opening words of Sir Samuel Hoare when introducing this measure, after reciting a small story, were these. He said : “I feel many regrets when once again the Home Secretary”, (the first time was during the Great War of 1918 and this was the second time) “has to come to this House and ask for powers that trench on many of the most cherished principles and practices of his fellow citizens”. The question arises : are we or are we not fellow citizens of the Honourable the Mover of this Bill.

**Dr. P. N. Banerjee** (Calcutta Suburbs: Non-Muhammadan Urban): Certainly not.

**Sardar Sant Singh:** Then it is an entirely different matter. If that view is taken, he is entirely right when he comes forward and makes it a business proposition. But if we are fellow citizens, as I suppose, he will have to admit that we are, he should have some consideration for our feelings, he should have told us how the Defence of India Act, and, particularly, this clause which he seeks to extend now has worked during the last six months that the Defence of India Act has been in operation, and why it has become necessary to extend it. No such consideration has been shown and he has talked in a manner with a short speech saying, “I hope this is not a contentious measure”. He said some such words which I could not follow.

**The Honourable Sir Muhammad Zafrullah Khan** (Leader of the House) : The Honourable Member then did not follow even those few sentences.

**Sardar Sant Singh:** I did listen very attentively with high expectations that he will justify and give us some reasons why this extension of the scope of a great repressive measure has been found necessary and this amendment has been called for. But to my greatest disappointment, with two short sentences he finished and said “I move the Bill”. Well, Sir, may I submit that in such measures what we expect, and the country expects as well, is to tell us how the Defence of India Act has worked in India during the time it has been in operation, whether the assurances held out to us then have been kept by the provinces which have been working that Act and whether the Government of India have been taking an interest, a watchful interest, in the proceedings taken under the Defence of India Act so far, so that we may be in a position, Sir, to judge whether to give this further power to the provinces and to the people which is now sought under this Bill. No such thing has been done. Probably the Government

have thought that with their safe majority at their back, they could steer this Bill through without any trouble. But I may assure the Government that since September last, since the first Defence of India Act was passed in 1917, I have been carefully watching how these powers have been used by those to whom they were given.

Now, let us see what the amendment aims at. Under the Defence of India Act, Chapter II, section 2, an omnibus clause, the Central Government are granted the power to make rules over subjects that extend to something like 35 and each of these sub-clauses are as comprehensive as the draftsman's pen can make, from God to the devil, everybody can be roped in under the rule-making powers of this Act.

**The Honourable Sir Muhammad Zafrullah Khan:** That is blasphemy.

**Sardar Sant Singh:** If you had that power, you would not have hesitated to use it against God also.

**The Honourable Sir Muhammad Zafrullah Khan:** These words are offensive to the sentiments of some Honourable Members and, therefore, the Honourable Member should not use them.

**Sardar Sant Singh:** I am sorry if I had offended anybody. It was not my intention to offend the feelings of anybody. Then I will say that under the rule-making powers of this Act, the Government can rope in everybody except God. I do not want to offend the feelings of anybody in this measure. I only want to defend myself, my liberty and my life against this measure. I am not alone. I may inform my Honourable friend that during the debate that took place in the House of Commons one of the Honourable Members of that House said: "Sir, the power given is such that I do not know whether I will be safe from these powers when I am out of this House". The same feelings were expressed . . . . .

**Maulana Zafar Ali Khan** (East Central Punjab : Muhammadan) : It was a poetic expression.

**Sardar Sant Singh:** I thank my Honourable friend for the help he has rendered me and coming to my rescue. We are all human beings. However, the first point that I want to take about this is this. I want to ask the Honourable Member whether he can give us how these powers have been used so far, whether they have been abused or not. I challenge him to contradict me when I say that not one single prosecution that has been launched under the Defence of India Act or under this very rule in the court of a magistrate has resulted in discharge or acquittal of the accused. I will ask the Honourable Member to tell me if there is a single instance throughout India and I can safely say that there is none in the Punjab. In appellate cases there have been a few acquittals but they have resulted mostly in a man being released after the sentence undergone has been considered sufficient. So when I said last time that we cannot entrust the executive, particularly in India, with such vast powers as are claimed under the Defence of India Act, I am on safe ground in saying that the fears I expressed then have come too true. To my great regret I found that when I asked to be supplied with information as to the number of prosecutions launched in each province during the months that the Defence of India Act has been in force and the result of such prosecutions, that information was refused to me. The Government of India entirely washed their hands of their responsibility

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[Sardar Sant Singh.]

and said that it was a matter for the Provincial Governments. Fortunately, within a day or two of this reply, there was a similar question in the House of Commons and there it was given out that the Government of India are keenly watching the working of the Defence of India Act. It is very difficult for me to reconcile these two positions taken up one here and the other in the House of Commons. Therefore, it becomes a matter of great concern to find that when these powers are being abused, according to me, by the magistracy of this country, we are asked to give further powers in respect of curtailing the liberties of our people. To me there can be no more unfair demand or abuse of constitutional powers than this measure.

Under the rule-making power power has been taken under rule 34 and the rule made under the Defence of India Act where "a prejudicial act" is defined in clause 6 of the rule, and in this definition from (a) to (p) all sorts of offences are included. Under the ordinary law of sedition and promoting enmity between different classes of His Majesty's subjects prosecutions are dependent upon the sanction of no less an authority than the Local Government. Under the Defence of India Act the rules made are such that no sanction is necessary for such prosecutions and the ordinary law has been superseded. Not only this. Though under the law of sedition and though under section 124-A and section 153-A specially empowered magistrates only are allowed to try such cases, and an appeal lies directly to the High Court. Under this Act every first-class magistrate has power to punish and an appeal lies to the Sessions Court and not to the High Court. So all the safeguards which were considered necessary in ordinary prosecutions for sedition have been taken away in the Defence of India Act. It may be said that these powers are necessary for speedy trial on account of successful prosecution of the war. I wish Government to tell us if under this all-comprehensive term "prejudicial act" there were any speeches affecting the prosecution of the war. They are very few, if at all, and most of them were directed against political opponents. This complaint has been made in the press and in the local Assemblies. If I am correct, are the Government of India prepared to appoint a committee to go into the various prosecutions launched under this clause which they now seek to amend to get more power and find out whether the powers have been abused or not?

Is it not a fact that the power of internment given by rule 26 has been misused and applied even to persons who are Members of this House? Does the Honourable the Home Member know that our friend, Professor Ranga, has been interned in his own village under this Defence of India Act? As he asks for further powers will he tell us whether Professor Ranga who is a sitting Member of this House was interned light-heartedly or whether there was any justification? When he was moving for consideration of this Bill he should have made a brief statement of facts which led to his internment or externment, so that the House might be in a position to judge whether the executive are using the powers entrusted to them with a due sense of responsibility or light-heartedly to satisfy their own impulse. I am really at a loss to understand the reason for such reticence. In this connection, a similar power was taken by the Defence of the Realm Act in Parliament, and Sir Samuel Hoare had to yield when an amendment was pressed that such a power should not rest upon the will of the executive alone . . . . .



**The Honourable Sir Muhammad Zafrullah Khan:** What kind of power?

**Sardar Sant Singh:** This power of internment or externment of people without trial.

**The Honourable Sir Muhammad Zafrullah Khan:** What has that got to do with this Bill?

**Sardar Sant Singh:** Will you not have that power to intern or extern? May I show you that you will have that power under section 2 and this clause (5) which you want to amend is included, and under this sub-section you have got rule-making powers which you have made and rule 26 gives you that power? Therefore, I am not out of order when I say that this power is there. Sir Samuel Hoare when faced with that amendment spoke as follows:

"The actual wording of the amendment I cannot accept. This must be an executive act; but I do agree, as I said just now, that there ought to be some check upon the executive. In the last war it was done by a series of advisory committees. At the present moment we are considering whether that is the best procedure in view of the experience of those four years, but we definitely intend to have a check and we shall set out that check in the regulations that we issue."

May I submit that in a country where there is a responsible government, a country which is actually facing the war and all the risks of war, they think it necessary to place upon the responsible executive a check upon the exercise of such a power? But in this country where the executive cannot be turned out, where the executive is irresponsible, not amenable or answerable to the legislature, they want this uncontrolled power. Why? It seems to me . . . . .

**The Honourable Sir Muhammad Zafrullah Khan:** May I, with all respect, point out that the whole of this is an attack on the original Act, and not on the amendment now under consideration? The Honourable Member can easily object to the extension of certain provisions to the states or tribal areas; but how far he is in order in reopening the whole question of the Defence of India Act is a point I must raise for your consideration.

**Mr. President** (The Honourable Sir Abdur Rahim): The Bill seeks to extend the power that is given under the Act to certain other action which the Government think of bringing under the mischief of the Act, and the Chair cannot say that the Honourable Member is not in order in giving his reasons why this extension should not be sanctioned.

**Sardar Sant Singh:** What I am submitting is that in giving these powers we ought to be satisfied that it is not the mere will of the executive that will prevail. Section 2 lays down . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair takes it, the Honourable Member is referring to the extension that is proposed?

**Sardar Sant Singh:** Yes, Sir. I am reading only this amendment—I am not going beyond that. The section lays down:

“The Central Government may, by notification in the official Gazette, make such rules as appear to it to be necessary or expedient for securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community.”

During the debate on this clause certain assurances were given to us that the Defence of India Act will be used only in those cases where the act of an individual is prejudicial to the successful prosecution of the war. The House at that time showed all the co-operation which it was capable of. Immediate effect was given. Even the Select Committee sat in one day and finished its deliberations and the House did not want to obstruct the passage of the Bill and considered it to be essential on account of the state of war that existed. Today again we are asked to extend the scope of one of the provisions of this Act. It is, therefore, absolutely essential that the Honourable the Home Member should come forward and give us in detail the reasons, first, why this extension is called for. Is it aimed at the State subjects who may probably in the near future be found to agitate against the system of government in those States? Is it to crush that movement, a constitutional movement, whether it is violent or non-violent—irrespective of that fact—or is it intended to help the successful prosecution of the war which is the apparent object of this legislation? Secondly will the Honourable Member tell us—I put it definitely—whether the Home Department has considered it necessary to review the situation in the light of the working of this Act during the last six months that it has been in force and will he give us the facts and figures relating to each province, month by month and how this Defence of India Act has been used by the Provincial Governments? Thirdly, will he please tell us whether the Provincial Governments are acting as our delegates or acting independently? In section 2 (5) of the Act it is laid down . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): That is not sought to be amended, is it?

**Sardar Sant Singh:** It does not want to amend . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): Then the Honourable Member need not discuss it. The Honourable Member should not discuss any other sub-clause than the one sought to be amended.

**Sardar Sant Singh:** I am not referring to any other sub-clauses. But sub-section (5) will come into operation as a consequence of this amendment—as a matter of fact section 2 (5) of the Act is being amended by this Bill. It says:

“A Provincial Government may by order direct that any power or duty which by rule made under sub-section (1) is conferred or imposed on the Provincial Government, or which, being by such rule conferred or imposed on the Central Government, has been directed under sub-section (4) to be exercised or discharged by the Provincial Government, shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any officer or authority, not being an officer or authority subordinate to the Central Government.”

As I read this sub-section and the other sub-sections of section 2, I find that the Provincial Governments are acting as our delegates in the discharge of the duties that have been entrusted to them under the Defence of India Act. If that is so, will the Honourable the Home Member tell us what vigilance he is keeping over the acts of the Provincial Governments in order to see whether the delegated power which according to me has been given to them under this Act is being properly used and not abused? These are some of the questions which relate . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is repeating himself. He has said all that already.

**Sardar Sant Singh:** I want information on these points which I am submitting . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has made that point already.

**Sardar Sant Singh:** Then, Sir, the next point on which I should like to have some information is this. On the debate on the consideration of the Defence of India Act, I expressed certain apprehensions from my experience of the old Defence of India Act, that that Act would not be used in a proper manner and for the purpose for which it was being enacted. My friend, Maulana Zafar Ali Khan, told us . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member ought not to revive those discussions. The Act has already been passed.

**Sardar Sant Singh:** I want to tell my friend, Maulana Zafar Ali Khan, how the same powers will be used . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): But that is no reason why the discussions on the old Act should be re-opened.

**Sardar Sant Singh:** I am talking about the powers . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member should stick to the amendment, and he should not go back on the discussions which took place before.

**Sardar Sant Singh:** The amendment wants to extend the powers given under this clause and to make further rules. I am submitting that at that time when I expressed my fears that these powers would be abused, my friend, Maulana Zafar Ali Khan, told us that the days of Dyers and O'Dwyers had gone and the country had awakened to a sense of responsibility. I am telling him that if further powers are given under this amended Act, he should revise his opinion before extending his co-operation to the Government, as this further power will entirely cut down the activities of those who are interested in the States and in the tribal area, nay, in both. Whether we agree or not with a particular agitation, it is quite immaterial. But I want to be quite fair even to my opponents. If I do not agree with a particular act of my opponent, I would not certainly like that

[Sardar Sant Singh.]

he should be treated in a manner which is neither human nor legal. I would certainly give him that protection which the law affords to the worst offender, and I do not want that my opponents should be treated in a manner which is illegal. I want the rule of law to prevail in this country; I want that everybody should feel the same sense of security, the same sense of safety as I myself desire to have in this country. Sir, these powers are extraordinary powers. They are such that affect the ordinary liberty of the subject, both in speech, in thought as well as in action. Therefore, I desire that before the House agrees to any such extension being granted on any of these matters, the Government ought to take the House into confidence and tell them plainly and in unequivocal language that these powers will not be abused.

Now, Sir, in conclusion, I want to inform the Honourable the Home Member that though originally the defence regulations that were framed in England were so stiff, as stiff as those which exist in this country under the Defence of India Act, yet later on they discovered that some of them were not required for use and so they revised or softened their rigour to a great extent. Now, if England could do it, if a responsible Government could feel the necessity of softening the rigour of those rules, I do not see why the Government of India do not feel inclined to soften their rigour out here, particularly in the light of the fact that these rules have not worked well so far. Sir, India so far is fortunately away from the scene of conflict; there is no war here. India is safe from all sides, from internal disturbances as well as from external aggression. Still I wonder why so many prosecutions have been launched. I do not know of other provinces, but I know that, so far as the Punjab is concerned, there have been no less than 319 convictions, in addition to the numerous internment and externment orders,—I have no exact idea of their figures,—nor have I been supplied with those figures, but this figure of convictions was given in the Punjab Assembly by the Government of that Province. Therefore, I submit that when such normal conditions are prevailing, it is neither fair, nor proper, nor even humane to extend the scope of this Act,—rather the time has come when the Government should come forward with an amending Bill taking away of the rigours of the old Act. Sir, I oppose the consideration of this Bill.

**Maulana Zafar Ali Khan:** Sir, it is our bitter experience that the powers with which the Executive are invested by the Legislature are sometimes abused and the people have to suffer as a consequence. Many many years ago, a generation ago, the Press Act of 1910 was placed on the Statute-book, as a result of the murder of Mr. Rand by one Damodar Chapekar in the Maharashtra. The Mussalmans in those days supported the Government thinking that it was a measure against the Hindus and the Muslims would not be touched. Well, the measure was passed and placed on the Statute-book, but not very long after the victims of this Press Act were the Muslims themselves. There was a regular massacre, and when we turned round and said—how is it that this measure has been directed against us—we were told in effect that fire does not distinguish between a Mussalman and a Hindu; it burns both. So that I had to proceed to England; I was there for about a year fighting and doing my best to have the Press Act repealed. When the war broke out there was a meeting in the House of Commons. About thirty Members of Parliament took my

statement and they assured me that the Press Act would be repealed. They kept their promise, the Act was repealed, but later on circumstances arose which made it possible for the Government to re-enact that law. This is the Press Act, and the same is the case with the Defence of India Act. Certainly, as my friend, Sardar Sant Singh, reminds me, I did say that the days of Dyers and O'Dwyers had gone, I did say that the Government were more sympathetic, I did say that the Britishers understood Indians much better than they understood us in the time of O'Dwyer. I said all that, but I think I will have to revise my opinion to a certain extent. I am certainly of the opinion that this Defence of India Act should be used for suppressing the activities of those who place obstacles in the way of the successful prosecution of the war. For instance, if a man gets up and makes a speech calling upon the people of India not to join the army as recruits, then certainly the Act will come into play, and the man will have to be sent to jail. Action will have to be taken against him, I do not object to that. They are perfectly justified in the attitude that they take up in such cases, but my grievance is that ordinary speeches made by gentlemen holding certain advanced political views come under the heels of the Defence of India Act in certain places of India. For instance, in Baluchistan, to which I was referring the other day, one Mr. Abdus Samad Uchakzai made a speech. In that speech, so far as I read it,—it was shown to me—there was no reference to the war, nothing against the successful prosecution of the war,—but only his advanced political views. He was clapped into jail and he has been prosecuted under the Defence of India Act. I want the Home Member, before we proceed further with this Bill, to give us an assurance that Government would take us into confidence and do everything possible to keep its vigilant eye on the doings of the executive in the Provinces to whom these powers have been transferred. Of course, the defence of India is a Central subject. We have delegated the powers of the Centre to the Provinces. In the Provinces, if they use those powers in a reasonable manner, in a just manner, so far so good, but if they fly off at a tangent, then the Central Government should come and put their foot down upon such arbitrary exercise of power. With these words, I resume my seat.

**Pandit Lakshmi Kanta Maitra** (Presidency Division: Non-Muhammadan Rural): Mr. President, this Bill seeks to make a further addition to the armoury of repressive legislation that has already encumbered the Statute-book. I characterise the Defence of India Act as a piece of repressive legislation, which, though apparently intended in the interests of the defence of India and also for the effective prosecution of the war, has, in actual operation, been used to defend the vagaries of irresponsible officers in the name of law and order, that much abused phrase of the bureaucracy.

When this Bill was fully discussed last Session, I drew the attention of the House to the very enormous powers that were sought to be taken under it. I explained that the provisions were so loosely worded as to cover every conceivable form of human action. I also pointed out that the Bill touched not only every form of human activity, but even in matters where tangible action was not to be discerned, its application was possible. As we then apprehended that it would open the flood-gates of persecution at the hands of irresponsible executives, we pointed out that some effective checks should be proposed by Government so that the ordinary normal activities of the country might not be ruthlessly

[Pandit Lakshmi Kanta Maitra.]

suppressed under cover of this Act. We were given an assurance that Government would be careful to see that the provisions of the Act were not abused. The Bill has already been in operation for the last seven months. A glance at the newspapers of the different provinces in India will show how these provisions have been distorted and made applicable to cases which do not normally come under them. My Honourable friend, Sardar Sant Singh, who spoke before me, mentioned that there had been more than 300 cases of conviction under this Act in his own province the Punjab. May I tell you and the Members of the Treasury Benches who delegated these powers to the Provincial Governments that in my own province Bengal, there have already been 539 convictions under the Act?

**Mr. M. Ghiasuddin** (Punjab: Landholders): Yours is a representative Government.

**Pandit Lakshmi Kanta Maitra**: My Honourable friend says that yours is a representative Government. My Honourable friend knows very well what it is and I also understand what it means. It seems to me that before the Bill was passed, the programme of some of the Provincial Governments had been prepared before-hand so that, as soon as the Bill was passed by this House, the day following they came down upon the people . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member should not criticise Provincial Governments.

**Pandit Lakshmi Kanta Maitra**: I am not criticising in that way . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member's words contain serious reflection.

**Pandit Lakshmi Kanta Maitra**: I am not making any reflection on any Provincial Government, but I do not feel that Provincial Governments are sacrosanct. What I want to say, is that the Central Government obtained certain powers through this Legislature for the purpose of effective prosecution of the war, as also for the internal peace and tranquillity of this country. They have delegated those powers to Provincial Governments but they are not exercising an effective check on them and the result has been that there has been a gross abuse of those powers and consequent curtailment of the civil liberties of the people, in the name of effective prosecution of the war. Therefore, as a citizen, as a representative of the people, I am entitled to bring before the House the facts as they have been occurring in the different provinces—facts that go to show that these provisions have not been operated for the purpose of effective prosecution of the war, but for the purpose of preventing the legitimate political activities of the people.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member must remember at the same time that the Provincial Governments are not represented here.

**Pandit Lakshmi Kanta Maitra**: But I know the Provincial Governments have also sent here some of their own representatives or nominees.

I do not think that their business is simply to dance to the tune of the Government who bring them here or to sit here silently. My experience in this House has been that whenever there have been specific matters concerning a particular province, the nominees of that province are made to speak and they are asked to reply to speeches which we make . . .

**Mr. President** (The Honourable Sir Abdur Rahim): That is a very different matter. The Provincial Governments are not represented here.

**Pandit Lakshmi Kanta Maitra**: The Provincial Governments may not be represented, but, their principal—the Central Government, which delegated those powers to them are here—I am asking the Central Government what they have done to keep in touch with the Provincial Governments to ascertain from them how the provisions of the Defence of India Act are being operated there. I am perfectly entitled to address my remarks to the Members on the Treasury Benches who are responsible for the administration of this Act. They cannot shove off their responsibility now by saying that they had transferred the powers to the Provincial Governments . . .

**Major Nawab Sir Ahmad Nawaz Khan** (Nominated Non-Official): You do not care to know what is going on in the North-West Frontier Province.

**Pandit Lakshmi Kanta Maitra**: My Honourable friend comes from the North-West Frontier Province, he certainly knows the situation better, but I do not want to travel from Calcutta to the North-West Frontier in the space of ten minutes at my disposal.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member had better go on.

**Pandit Lakshmi Kanta Maitra**: What I was going to say was not to make any reflection on any Provincial Government but if the administration of this Defence of India Act has been carried on in such a way by the Provincial Governments that it has virtually resulted in breaking down the normal legitimate public life of the province, I cannot but raise my voice of protest against it. And I shall be very careful when I am again asked to arm the Central Government with additional powers that would readily lend themselves to abuse. Rather, I shall not be prepared to give any further power in their hands, so that there may not be a further tightening of the grip or of the stranglehold that they have already had on the normal life of the provinces.

As I was telling you, Sir, I am aware, being in active touch with the public life of the province I represent, that all manner of legitimate activities of the labour leaders, kisan leaders and student leaders has already been ruthlessly suppressed and is being suppressed even now and it must be known to most of my Honourable friends on this side. When my friend, Maulvi Ashrafuddin Ahmad Chaudhury, the Secretary of the Bengal Provincial Congress Committee went to Chandpur to make a speech,—without caring to wait for or hear his speech, as soon as he went there and began to address the meeting, he was arrested with his colleague, Mr. Trailakya Nath Chakravarty, and put in prison. That is how things are going on. There have been cases after cases of student leaders, labour leaders and kisan leaders who were not even allowed to assemble in

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a public meeting to ventilate their grievances and they were either gagged or clapped into prison. That is the way the Defence of India Act is being operated, and how can the Government ask for additional powers? Not only that. The Press has been effectively muzzled in my province. That important nationalist journal, the *Hindustan Standard*, has been compelled to cease publication of its editorials as the Bengal Government has used the provisions of the Defence of India Act against them. The editor of the paper has been asked to submit his editorials to the Government for approval before they may be printed and published. If the *Hindustan Standard* published any inflammatory article prejudicing the effective prosecution of the war, the law of the land was there to deal with it. The Press Emergency Laws were there and the ordinary law of the land was there to set it right. I say that the normal law of the land would be sufficient to deal with a case of that nature.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member cannot discuss individual cases here.

**Pandit Lakshmi Kanta Maitra**: Instead of indulging in mere abstractions, I am giving you concrete instances of how the power has been abused and is being still abused.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member must remember that under this Bill what is sought is to extend the powers in certain directions. If the Honourable Member thinks that he is at liberty to rake up all the prosecutions that have taken place under other sections or sub-sections of the Act, then he is not in order.

**Sardar Sant Singh**: May I submit that this clause, the amendment of which is sought, gives power to prosecute any person who creates an alarm.

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair knows that fully well.

**Sardar Sant Singh**: And the Press can certainly come in here. .

**Mr. President** (The Honourable Sir Abdur Rahim): What the Chair said was that individual cases could not be discussed here.

**Mr. M. S. Aney** (Berar: Non-Muhammadan): May I submit one point for your consideration?

**Mr. President** (The Honourable Sir Abdur Rahim): Is it a point of order?

**Mr. M. S. Aney**: Yes. I know that you are right in asking us not to discuss any individual cases, but may I submit that, in order to illustrate the point which I have to make, a reference to individual cases will become inevitable, and I believe that a reference to such cases, which does not mean an extended discussion of the whole subject, is not tabooed by you under your ruling.



**Mr. President** (The Honourable Sir Abdur Rahim): It may be possible to have to refer to some individual cases in order to strengthen the argument that this power is likely to be abused, but to go on discussing a number of cases, especially when there is no one to reply on the other side, that is not in order. That is exactly what the Chair means.

**Pandit Lakshmi Kanta Maitra**: I am extremely thankful to you for the observations you have made reminding me what I am not to say in regard to this Bill, but, Sir, I hope you will realise the position of public men in this country. They have not got any forum to ventilate their grievances. Today, as I was telling you, the press has been completely muzzled. Association of men has been banned. We cannot hold meetings, and, therefore, we cannot bring this matter to the notice of anybody in any way.

**Mr. President** (The Honourable Sir Abdur Rahim): The proper forum is the Provincial Legislature.

**Pandit Lakshmi Kanta Maitra**: Fortunately or unfortunately, I do not belong to the Provincial Legislature.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member can ask the people there to bring up the matter.

(Some Honourable Members on the Treasury Benches laughed at this stage.)

**Pandit Lakshmi Kanta Maitra**: If you do not understand the implications of this Bill, you may sit mum, but there is no reason for your laughing. I can sympathise with your ignorance of law and of the actual conditions in the country which have been brought about by the reckless delegation of powers which you have made,—powers which were meant for an entirely different purpose.

**An Honourable Member**: They are all here to laugh.

**Pandit Lakshmi Kanta Maitra**: They will have to weep some day. This Bill gives an extension of power to the Government to deal with cases of alarm that might be raised by persons during this period of the war and I can very easily visualise how this power also will be abused. Indian newspapers will be the very first to be victimised. Today honest independent journalism has completely disappeared from this country, thanks to the merciless operation of this law and only journals of the made-to-order type are permitted. The press is hopelessly regimented. The newspapers will not be permitted to discuss any situation arising out of any thing which might trickle through the censorship and they will be pounced upon as creating false alarms, spreading wild rumours, prejudicing the public mind and indirectly helping the enemy in the prosecution of the war against this country. I do not understand why the Government want power to control what in these days is a common matter of discussion, namely, the situation as it develops from day to day in connection with the war. Today if there is one subject which forms the theme of general talk, discussion or debate in tea stalls, cafes and restaurants, drawing rooms and even bed rooms, I believe it is the

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war. And if in the course of such a discussion, Sir, something slips out, the spies hanging about the places may make a report and the lives of the people may be made miserable. There are the Broadcasting Stations, from which all kinds of news are disseminated.

**Some Honourable Members:** False news. Lies.

**Mr. President** (The Honourable Sir Abdur Rahim): There are rules which regulate the debate in this House and they must be obeyed. The Honourable Member must remember that.

**Pandit Lakshmi Kanta Maitra:** Once we give the Government power to regulate how a particular item of news should be discussed or received or talked about, there is no end. Therefore I do not want to give this power. Moreover, Sir, I think that if somebody has *bona fide* fear of a certain situation growing or developing, it is open to the Government to set all doubts at rest. They may come forward with a communique or a statement for dispelling the suspicions or allaying the fears of the people. That would be the only normal and reasonable course. But why should our men be prosecuted or persecuted? I, therefore, submit, Sir, that having regard to the manner in which the provisions of the Defence of India Act have been operated during the last seven months, the callous indifference of the Central Government to the matter, the blissful ignorance of smiling faces drawing fat salaries but doing nothing in this respect, I am not in a position to allow further extension of power to my Honourable friends there.

Sir, before I conclude, I will refer to another matter. The Bill relates to two matters: the one I have disposed of is the power to make rules for the spreading of false reports or alarms. There is another aspect of it and it is the maintenance of peaceful conditions in the tribal areas. May I know from my Honourable friends on the Treasury Benches what is their information about the happenings in the tribal areas? They have said nothing to justify the grant of this extra power. All that my Honourable friend, moving this Bill, has thought fit to do is to put in half a dozen sentences and add 'Sir, I move'. I was surprised that when they ask for further powers they do not make out a case for it. They have not a word to say about the tribal areas, the conditions that are prevailing there and what particular situation has arisen in all these tribal areas calling for this special power. I do not know even now whether the Central Government has consulted the Provincial Governments with regard to the extension of these powers. When these powers are to be delegated to the Provinces where there are native States, where there are tribal areas, one reasonably expects of the people who ask for these powers to give a correct picture of the situation that prevails in those areas—the tribal areas as well as the native States. May I know from the Government of India whether they have been requested by the Princes of the native States to give them protection in the way the Government seek to give them with the help of these powers? We have heard nothing about all this. Neither have they told us what the different Provincial Governments, where popular representatives are still functioning, have to say to the extension of these powers. Sir, if my Honourable friends on the Treasury Benches would not enlighten the

House as to the opinion of the different Provincial Governments with regard to these particular matters, with what face can they ask us to give them these additional powers? If additional powers are really necessary, we shall not grudge them these powers but they must make out a *prima facie* case for them, which they have not done.

As I was submitting to the House a few moments ago, they made a very short speech in the hope that the Bill will immediately be passed by the House. We have got a Drugs Bill for the control of Allopathic drugs, but, Sir, they seem to have greater faith in the Homeopathic system of medicine. According to this system a very small and minute dose has got a very powerful efficacy. Here, Sir, they have brought in a very small Bill but of so high potency as may only be administered in extreme and acute cases and not in ordinary normal cases. Sir, I must resist this. I cannot be a consenting party to a piece of legislation of this drastic character, when the Mover does not furnish us with a full and clear statement of facts, nor makes the faintest effort to convince the House as to the necessity or justification for such a measure. Sir, under these circumstances I think I must oppose this Bill.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 2nd April, 1940.